

110TH CONGRESS
1ST SESSION

H. R. 3074

AN ACT

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Departments of Transportation, and Housing and Urban
4 Development, and related agencies for the fiscal year end-
5 ing September 30, 2008, and for other purposes, namely:

6 TITLE I

7 DEPARTMENT OF TRANSPORTATION

8 OFFICE OF THE SECRETARY

9 SALARIES AND EXPENSES

10 For necessary expenses of the Office of the Secretary,
11 \$90,678,000, of which not to exceed \$2,305,000 shall be
12 available for the immediate Office of the Secretary; not
13 to exceed \$724,000 shall be available for the immediate
14 Office of the Deputy Secretary; not to exceed \$15,753,000
15 shall be available for the Office of the General Counsel;
16 not to exceed \$12,100,000 shall be available for the Office
17 of the Under Secretary of Transportation for Policy; not
18 to exceed \$8,903,000 shall be available for the Office of
19 the Assistant Secretary for Budget and Programs; not to
20 exceed \$2,382,000 shall be available for the Office of the
21 Assistant Secretary for Governmental Affairs; not to ex-
22 ceed \$23,568,000 shall be available for the Office of the
23 Assistant Secretary for Administration; not to exceed
24 \$1,984,000 shall be available for the Office of Public Af-
25 fairs; not to exceed \$1,498,000 shall be available for the

1 Office of the Executive Secretariat; not to exceed
2 \$1,314,000 shall be available for the Office of Small and
3 Disadvantaged Business Utilization; not to exceed
4 \$2,737,000 for the Office of Intelligence and Security; not
5 to exceed \$12,273,000 shall be available for the Office of
6 the Chief Information Officer; and not to exceed
7 \$5,137,000 shall be available for the Office of Emergency
8 Transportation: *Provided*, That the Secretary of Trans-
9 portation is authorized to transfer funds appropriated for
10 any office of the Office of the Secretary to any other office
11 of the Office of the Secretary: *Provided further*, That no
12 appropriation for any office shall be increased or de-
13 creased by more than 5 percent by all such transfers: *Pro-*
14 *vided further*, That notice of any change in funding greater
15 than 5 percent shall be submitted for approval to the
16 House and Senate Committees on Appropriations: *Pro-*
17 *vided further*, That not to exceed \$60,000 shall be for allo-
18 cation within the Department for official reception and
19 representation expenses as the Secretary may determine:
20 *Provided further*, That notwithstanding any other provi-
21 sion of law, excluding fees authorized in Public Law 107–
22 71, there may be credited to this appropriation up to
23 \$2,500,000 in funds received in user fees: *Provided fur-*
24 *ther*, That none of the funds provided in this Act shall

1 be available for the position of Assistant Secretary for
2 Public Affairs.

3 OFFICE OF CIVIL RIGHTS

4 For necessary expenses of the Office of Civil Rights,
5 \$9,140,900.

6 TRANSPORTATION PLANNING, RESEARCH, AND

7 DEVELOPMENT

8 For necessary expenses for conducting transportation
9 planning, research, systems development, development ac-
10 tivities, and making grants, to remain available until ex-
11 pended, \$8,515,000.

12 WORKING CAPITAL FUND

13 Necessary expenses for operating costs and capital
14 outlays of the Working Capital Fund, not to exceed
15 \$128,094,000, shall be paid from appropriations made
16 available to the Department of Transportation: *Provided*,
17 That such services shall be provided on a competitive basis
18 to entities within the Department of Transportation: *Pro-*
19 *vided further*, That the above limitation on operating ex-
20 penses shall not apply to non-DOT entities: *Provided fur-*
21 *ther*, That no funds appropriated in this Act to an agency
22 of the Department shall be transferred to the Working
23 Capital Fund without the approval of the agency modal
24 administrator: *Provided further*, That no assessments may
25 be levied against any program, budget activity, subactivity
26 or project funded by this Act unless notice of such assess-

1 ments and the basis therefor are presented to the House
 2 and Senate Committees on Appropriations and are ap-
 3 proved by such Committees.

4 MINORITY BUSINESS RESOURCE CENTER PROGRAM

5 For the cost of guaranteed loans, \$370,000, as au-
 6 thorized by 49 U.S.C. 332: *Provided*, That such costs, in-
 7 cluding the cost of modifying such loans, shall be as de-
 8 fined in section 502 of the Congressional Budget Act of
 9 1974: *Provided further*, That these funds are available to
 10 subsidize total loan principal, any part of which is to be
 11 guaranteed, not to exceed \$18,367,000. In addition, for
 12 administrative expenses to carry out the guaranteed loan
 13 program, \$523,000.

14 MINORITY BUSINESS OUTREACH

15 For necessary expenses of Minority Business Re-
 16 source Center outreach activities, \$2,970,000, to remain
 17 available until September 30, 2009: *Provided*, That not-
 18 withstanding 49 U.S.C. 332, these funds may be used for
 19 business opportunities related to any mode of transpor-
 20 tation.

21 PAYMENTS TO AIR CARRIERS

22 (AIRPORT AND AIRWAY TRUST FUND)

23 (INCLUDING TRANSFER OF FUNDS)

24 In addition to funds made available from any other
 25 source to carry out the essential air service program under
 26 49 U.S.C. 41731 through 41742, \$60,000,000, to be de-

1 rived from the Airport and Airway Trust Fund, to remain
 2 available until expended: *Provided*, That, in determining
 3 between or among carriers competing to provide service
 4 to a community, the Secretary may consider the relative
 5 subsidy requirements of the carriers: *Provided further*,
 6 That, if the funds under this heading are insufficient to
 7 meet the costs of the essential air service program in the
 8 current fiscal year, the Secretary shall transfer such sums
 9 as may be necessary to carry out the essential air service
 10 program from any available amounts appropriated to or
 11 directly administered by the Office of the Secretary for
 12 such fiscal year.

13 COMPENSATION FOR AIR CARRIERS

14 (RESCISSION)

15 Of the remaining unobligated balances under section
 16 101(a)(2) of Public Law 107–42, \$22,000,000 are can-
 17 celled.

18 ADMINISTRATIVE PROVISIONS—OFFICE OF THE

19 SECRETARY OF TRANSPORTATION

20 SEC. 101. The Secretary of Transportation is author-
 21 ized to transfer the unexpended balances available for the
 22 bonding assistance program from “Office of the Secretary,
 23 Salaries and expenses” to “Minority Business Outreach”.

24 SEC. 102. None of the funds made available in this
 25 Act to the Department of Transportation may be obligated
 26 for the Office of the Secretary of Transportation to ap-

1 prove assessments or reimbursable agreements pertaining
2 to funds appropriated to the modal administrations in this
3 Act, except for activities underway on the date of enact-
4 ment of this Act, unless such assessments or agreements
5 have completed the normal reprogramming process for
6 Congressional notification.

7 SEC. 103. None of the funds made available under
8 this Act may be obligated or expended to establish or im-
9 plement a program under which essential air service com-
10 munities are required to assume subsidy costs commonly
11 referred to as the EAS local participation program.

12 FEDERAL AVIATION ADMINISTRATION

13 OPERATIONS

14 (AIRPORT AND AIRWAY TRUST FUND)

15 For necessary expenses of the Federal Aviation Ad-
16 ministration, not otherwise provided for, including oper-
17 ations and research activities related to commercial space
18 transportation, administrative expenses for research and
19 development, establishment of air navigation facilities, the
20 operation (including leasing) and maintenance of aircraft,
21 subsidizing the cost of aeronautical charts and maps sold
22 to the public, lease or purchase of passenger motor vehi-
23 cles for replacement only, in addition to amounts made
24 available by Public Law 108–176, \$8,716,606,000, of
25 which \$6,317,000,000 shall be derived from the Airport
26 and Airway Trust Fund, of which not to exceed

1 \$6,958,413,000 shall be available for air traffic organiza-
2 tion activities; not to exceed \$1,076,103,000 shall be avail-
3 able for aviation safety activities; not to exceed
4 \$12,549,000 shall be available for commercial space trans-
5 portation activities; not to exceed \$100,593,000 shall be
6 available for financial services activities; not to exceed
7 \$89,101,000 shall be available for human resources pro-
8 gram activities; not to exceed \$286,848,000 shall be avail-
9 able for region and center operations and regional coordi-
10 nation activities; not to exceed \$162,349,000 shall be
11 available for staff offices; and not to exceed \$38,650,000
12 shall be available for information services: *Provided*, That
13 not to exceed 2 percent of any budget activity, except for
14 aviation safety budget activity, may be transferred to any
15 budget activity under this heading: *Provided further*, That
16 no transfer may increase or decrease any appropriation
17 by more than 2 percent: *Provided further*, That any trans-
18 fer in excess of 2 percent shall be treated as a reprogram-
19 ming of funds under section 405 of this Act and shall not
20 be available for obligation or expenditure except in compli-
21 ance with the procedures set forth in that section: *Pro-*
22 *vided further*, That none of the funds in this Act shall be
23 available for the Federal Aviation Administration to final-
24 ize or implement any regulation that would promulgate
25 new aviation user fees not specifically authorized by law

1 after the date of the enactment of this Act: *Provided fur-*
2 *ther*, That there may be credited to this appropriation
3 funds received from States, counties, municipalities, for-
4 eign authorities, other public authorities, and private
5 sources, for expenses incurred in the provision of agency
6 services, including receipts for the maintenance and oper-
7 ation of air navigation facilities, and for issuance, renewal
8 or modification of certificates, including airman, aircraft,
9 and repair station certificates, or for tests related thereto,
10 or for processing major repair or alteration forms: *Pro-*
11 *vided further*, That of the funds appropriated under this
12 heading, not less than \$8,500,000 shall be for the contract
13 tower cost-sharing program: *Provided further*, That funds
14 may be used to enter into a grant agreement with a non-
15 profit standard-setting organization to assist in the devel-
16 opment of aviation safety standards: *Provided further*,
17 That none of the funds in this Act shall be available for
18 new applicants for the second career training program:
19 *Provided further*, That none of the funds in this Act shall
20 be available for paying premium pay under 5 U.S.C.
21 5546(a) to any Federal Aviation Administration employee
22 unless such employee actually performed work during the
23 time corresponding to such premium pay: *Provided fur-*
24 *ther*, That none of the funds in this Act for aeronautical
25 charting and cartography are available for activities con-

1 ducted by, or coordinated through, the Working Capital
2 Fund: *Provided further*, That none of the funds in this
3 Act may be obligated or expended for an employee of the
4 Federal Aviation Administration to purchase a store gift
5 card or gift certificate through use of a Government-issued
6 credit card.

7 FACILITIES AND EQUIPMENT

8 (AIRPORT AND AIRWAY TRUST FUND)

9 For necessary expenses, not otherwise provided for,
10 for acquisition, establishment, technical support services,
11 improvement by contract or purchase, and hire of air navi-
12 gation and experimental facilities and equipment, as au-
13 thorized under part A of subtitle VII of title 49, United
14 States Code, including initial acquisition of necessary sites
15 by lease or grant; engineering and service testing, includ-
16 ing construction of test facilities and acquisition of nec-
17 essary sites by lease or grant; construction and furnishing
18 of quarters and related accommodations for officers and
19 employees of the Federal Aviation Administration sta-
20 tioned at remote localities where such accommodations are
21 not available; and the purchase, lease, or transfer of air-
22 craft from funds available under this heading; to be de-
23 rived from the Airport and Airway Trust Fund,
24 \$2,515,000,000, of which \$2,055,027,000 shall remain
25 available until September 30, 2010, and of which
26 \$459,973,000 shall remain available until September 30,

1 2008: *Provided*, That there may be credited to this appro-
2 priation funds received from States, counties, municipali-
3 ties, other public authorities, and private sources, for ex-
4 penses incurred in the establishment and modernization
5 of air navigation facilities: *Provided further*, That upon ini-
6 tial submission to the Congress of the fiscal year 2009
7 President's budget, the Secretary of Transportation shall
8 transmit to the Congress a comprehensive capital invest-
9 ment plan for the Federal Aviation Administration which
10 includes funding for each budget line item for fiscal years
11 2009 through 2013, with total funding for each year of
12 the plan constrained to the funding targets for those years
13 as estimated and approved by the Office of Management
14 and Budget.

15 RESEARCH, ENGINEERING, AND DEVELOPMENT

16 (AIRPORT AND AIRWAY TRUST FUND)

17 For necessary expenses, not otherwise provided for,
18 for research, engineering, and development, as authorized
19 under part A of subtitle VII of title 49, United States
20 Code, including construction of experimental facilities and
21 acquisition of necessary sites by lease or grant,
22 \$140,000,000, to be derived from the Airport and Airway
23 Trust Fund and to remain available until September 30,
24 2010: *Provided*, That there may be credited to this appro-
25 priation as offsetting collections, funds received from
26 States, counties, municipalities, other public authorities,

1 and private sources, which shall be available for expenses
2 incurred for research, engineering, and development.

3 GRANTS-IN-AID FOR AIRPORTS

4 (LIQUIDATION OF CONTRACT AUTHORIZATION)

5 (LIMITATION ON OBLIGATIONS)

6 (AIRPORT AND AIRWAY TRUST FUND)

7 For liquidation of obligations incurred for grants-in-
8 aid for airport planning and development, and noise com-
9 patibility planning and programs as authorized under sub-
10 chapter I of chapter 471 and subchapter I of chapter 475
11 of title 49, United States Code, and under other law au-
12 thorizing such obligations; for procurement, installation,
13 and commissioning of runway incursion prevention devices
14 and systems at airports of such title; for grants authorized
15 under section 41743 of title 49, United States Code; and
16 for inspection activities and administration of airport safe-
17 ty programs, including those related to airport operating
18 certificates under section 44706 of title 49, United States
19 Code, \$4,399,000,000 to be derived from the Airport and
20 Airway Trust Fund and to remain available until ex-
21 pended: *Provided*, That none of the funds under this head-
22 ing shall be available for the planning or execution of pro-
23 grams the obligations for which are in excess of
24 \$3,600,000,000 in fiscal year 2008, notwithstanding sec-
25 tion 47117(g) of title 49, United States Code: *Provided*
26 *further*, That none of the funds under this heading shall

1 be available for the replacement of baggage conveyor sys-
 2 tems, reconfiguration of terminal baggage areas, or other
 3 airport improvements that are necessary to install bulk ex-
 4 plosive detection systems: *Provided further*, That notwith-
 5 standing any other provision of law, of funds limited under
 6 this heading, not more than \$80,676,000 shall be obli-
 7 gated for administration, not less than \$10,000,000 shall
 8 be available for the airport cooperative research program,
 9 not less than \$18,712,000 shall be for Airport Technology
 10 Research and \$10,000,000, to remain available until ex-
 11 pended, shall be available and transferred to “Office of
 12 the Secretary, Salaries and Expenses” to carry out the
 13 Small Community Air Service Development Program.

14 (RESCISSION)

15 Of the amounts authorized for the fiscal year ending
 16 September 30, 2007, and prior years under sections
 17 48103 and 48112 of title 49, United States Code,
 18 \$185,500,000 are rescinded.

19 ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION

20 ADMINISTRATION

21 SEC. 110. Notwithstanding any other provision of
 22 law, airports may transfer without consideration to the
 23 Federal Aviation Administration (FAA) instrument land-
 24 ing systems (along with associated approach lighting
 25 equipment and runway visual range equipment) which
 26 conform to FAA design and performance specifications,

1 the purchase of which was assisted by a Federal airport-
2 aid program, airport development aid program or airport
3 improvement program grant: *Provided*, That the Federal
4 Aviation Administration shall accept such equipment,
5 which shall thereafter be operated and maintained by FAA
6 in accordance with agency criteria.

7 SEC. 111. None of the funds in this Act may be used
8 to compensate in excess of 375 technical staff-years under
9 the federally funded research and development center con-
10 tract between the Federal Aviation Administration and the
11 Center for Advanced Aviation Systems Development dur-
12 ing fiscal year 2008.

13 SEC. 112. None of the funds in this Act shall be used
14 to pursue or adopt guidelines or regulations requiring air-
15 port sponsors to provide to the Federal Aviation Adminis-
16 tration without cost building construction, maintenance,
17 utilities and expenses, or space in airport sponsor-owned
18 buildings for services relating to air traffic control, air
19 navigation, or weather reporting: *Provided*, That the pro-
20 hibition of funds in this section does not apply to negotia-
21 tions between the agency and airport sponsors to achieve
22 agreement on “below-market” rates for these items or to
23 grant assurances that require airport sponsors to provide
24 land without cost to the FAA for air traffic control facili-
25 ties.

1 SEC. 113. The Administrator of the Federal Aviation
2 Administration may reimburse amounts made available to
3 satisfy 49 U.S.C. 41742(a)(1) from fees credited under
4 49 U.S.C. 45303: *Provided*, That during fiscal year 2008,
5 49 U.S.C. 41742(b) shall not apply, and any amount re-
6 maining in such account at the close of that fiscal year
7 may be made available to satisfy section 41742(a)(1) for
8 the subsequent fiscal year.

9 SEC. 114. Amounts collected under section 40113(e)
10 of title 49, United States Code, shall be credited to the
11 appropriation current at the time of collection, to be
12 merged with and available for the same purposes of such
13 appropriation.

14 SEC. 115. (a) Section 44302(f)(1) of title 49, United
15 States Code, is amended by striking “2006,” each place
16 it appears and inserting “2008,”.

17 (b) Section 44303(b) of such title is amended by
18 striking “2006,” and inserting “2008,”.

19 (c) Section 44310 of such title is amended by striking
20 “March 30, 2008” and inserting “December 31, 2008”.

21 SEC. 116. None of the funds appropriated or limited
22 by this Act may be used to change weight restrictions or
23 prior permission rules at Teterboro airport in Teterboro,
24 New Jersey.

1 FEDERAL HIGHWAY ADMINISTRATION

2 LIMITATION ON ADMINISTRATIVE EXPENSES

3 Not to exceed \$384,556,000, together with advances
4 and reimbursements received by the Federal Highway Ad-
5 ministration, shall be paid in accordance with law from
6 appropriations made available by this Act to the Federal
7 Highway Administration for necessary expenses for ad-
8 ministration and operation.

9 FEDERAL-AID HIGHWAYS

10 (LIMITATION ON OBLIGATIONS)

11 (HIGHWAY TRUST FUND)

12 (INCLUDING TRANSFER OF FUNDS)

13 None of the funds in this Act shall be available for
14 the implementation or execution of programs, the obliga-
15 tions for which are in excess of \$40,216,051,359 for Fed-
16 eral-aid highways and highway safety construction pro-
17 grams for fiscal year 2008: *Provided*, That within the
18 \$40,216,051,359 obligation limitation on Federal-aid
19 highways and highway safety construction programs, not
20 more than \$429,800,000 shall be available for the imple-
21 mentation or execution of programs for transportation re-
22 search (chapter 5 of title 23, United States Code; sections
23 111, 5505, and 5506 of title 49, United States Code; and
24 title 5 of Public Law 109–59) for fiscal year 2008: *Pro-*
25 *vided further*, That this limitation on transportation re-
26 search programs shall not apply to any authority pre-

1 viously made available for obligation: *Provided further*,
 2 That the funds authorized pursuant to section 110 of title
 3 23, United States Code, for the motor carrier safety grant
 4 program, and the obligation limitation associated with
 5 such funds provided under this heading, shall be trans-
 6 ferred to the Federal Motor Carrier Safety Administra-
 7 tion: *Provided further*, That the Secretary may, as author-
 8 ized by section 605(b) of title 23, United States Code, col-
 9 lect and spend fees to cover the costs of services of expert
 10 firms, including counsel, in the field of municipal and
 11 project finance to assist in the underwriting and servicing
 12 of Federal credit instruments and all or a portion of the
 13 costs to the Federal Government of servicing such credit
 14 instruments: *Provided further*, That such fees are available
 15 until expended to pay for such costs: *Provided further*,
 16 That such amounts are in addition to administrative ex-
 17 penses that are also available for such purpose, and are
 18 not subject to any obligation limitation or the limitation
 19 on administrative expenses under section 608 of title 23,
 20 United States Code.

21 (LIQUIDATION OF CONTRACT AUTHORIZATION)

22 (HIGHWAY TRUST FUND)

23 For carrying out the provisions of title 23, United
 24 States Code, that are attributable to Federal-aid high-
 25 ways, not otherwise provided, including reimbursement for
 26 sums expended pursuant to the provisions of 23 U.S.C.

1 308, \$40,955,051,359 or so much thereof as may be avail-
 2 able in and derived from the Highway Trust Fund (other
 3 than the Mass Transit Account), to remain available until
 4 expended.

5 (RESCISSION)

6 (HIGHWAY TRUST FUND)

7 Of the unobligated balances of funds apportioned to
 8 each State under chapter 1 of title 23, United States
 9 Code, \$3,000,000,000 are rescinded: *Provided*, That such
 10 rescission shall be distributed within each State, as de-
 11 fined in section 101 of such title, among all programs for
 12 which funds are apportioned under such chapter for such
 13 fiscal year, to the extent sufficient funds remain available
 14 for obligation, in the ratio that the amount of funds appor-
 15 tioned for each program under such chapter for such fiscal
 16 year, bears to the amount of funds apportioned for all
 17 such programs under such chapter for such fiscal year:
 18 *Provided further*, That funds set aside under sections
 19 133(d)(2) and 133(d)(3) of such title shall be treated as
 20 being apportioned under chapter 1 of such title for the
 21 purposes of this provision.

22 ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY

23 ADMINISTRATION

24 (INCLUDING RESCISSIONS)

25 SEC. 120. (a) For fiscal year 2008, the Secretary of
 26 Transportation shall—

1 (1) not distribute from the obligation limitation
2 for Federal-aid highways amounts authorized for ad-
3 ministrative expenses and programs by section
4 104(a) of title 23, United States Code; programs
5 funded from the administrative takedown authorized
6 by section 104(a)(1) of title 23, United States Code
7 (as in effect on the date before the date of enact-
8 ment of the Safe, Accountable, Flexible, Efficient
9 Transportation Equity Act: A Legacy for Users); the
10 highway use tax evasion program; and the Bureau of
11 Transportation Statistics;

12 (2) not distribute an amount from the obliga-
13 tion limitation for Federal-aid highways that is equal
14 to the unobligated balance of amounts made avail-
15 able from the Highway Trust Fund (other than the
16 Mass Transit Account) for Federal-aid highways and
17 highway safety programs for previous fiscal years
18 the funds for which are allocated by the Secretary;

19 (3) determine the ratio that—

20 (A) the obligation limitation for Federal-
21 aid highways, less the aggregate of amounts not
22 distributed under paragraphs (1) and (2), bears
23 to

24 (B) the total of the sums authorized to be
25 appropriated for Federal-aid highways and

1 highway safety construction programs (other
2 than sums authorized to be appropriated for
3 provisions of law described in paragraphs (1)
4 through (9) of subsection (b) and sums author-
5 ized to be appropriated for section 105 of title
6 23, United States Code, equal to the amount
7 referred to in subsection (b)(10) for such fiscal
8 year), less the aggregate of the amounts not
9 distributed under paragraphs (1) and (2) of
10 this subsection;

11 (4)(A) distribute the obligation limitation for
12 Federal-aid highways, less the aggregate amounts
13 not distributed under paragraphs (1) and (2), for
14 sections 1301, 1302, and 1934 of the Safe, Account-
15 able, Flexible, Efficient Transportation Equity Act:
16 A Legacy for Users; sections 117 (but individually
17 for each project numbered 1 through 3676 listed in
18 the table contained in section 1702 of the Safe, Ac-
19 countable, Flexible, Efficient Transportation Equity
20 Act: A Legacy for Users) and section 144(g) of title
21 23, United States Code; and section 14501 of title
22 40, United States Code, so that the amount of obli-
23 gation authority available for each of such sections
24 is equal to the amount determined by multiplying
25 the ratio determined under paragraph (3) by the

1 sums authorized to be appropriated for that section
2 for the fiscal year; and

3 (B) distribute \$2,000,000,000 for section 105
4 of title 23, United States Code;

5 (5) distribute the obligation limitation provided
6 for Federal-aid highways, less the aggregate
7 amounts not distributed under paragraphs (1) and
8 (2) and amounts distributed under paragraph (4),
9 for each of the programs that are allocated by the
10 Secretary under the Safe, Accountable, Flexible, Ef-
11 ficient Transportation Equity Act: A Legacy for
12 Users and title 23, United States Code (other than
13 to programs to which paragraphs (1) and (4) apply),
14 by multiplying the ratio determined under paragraph
15 (3) by the amounts authorized to be appropriated
16 for each such program for such fiscal year; and

17 (6) distribute the obligation limitation provided
18 for Federal-aid highways, less the aggregate
19 amounts not distributed under paragraphs (1) and
20 (2) and amounts distributed under paragraphs (4)
21 and (5), for Federal-aid highways and highway safe-
22 ty construction programs (other than the amounts
23 apportioned for the equity bonus program, but only
24 to the extent that the amounts apportioned for the
25 equity bonus program for the fiscal year are greater

1 than \$2,639,000,000, and the Appalachian develop-
2 ment highway system program) that are apportioned
3 by the Secretary under the Safe, Accountable, Flexi-
4 ble, Efficient Transportation Equity Act: A Legacy
5 for Users and title 23, United States Code, in the
6 ratio that—

7 (A) amounts authorized to be appropriated
8 for such programs that are apportioned to each
9 State for such fiscal year, bear to

10 (B) the total of the amounts authorized to
11 be appropriated for such programs that are ap-
12 portioned to all States for such fiscal year.

13 (b) EXCEPTIONS FROM OBLIGATION LIMITATION.—

14 The obligation limitation for Federal-aid highways shall
15 not apply to obligations: (1) under section 125 of title 23,
16 United States Code; (2) under section 147 of the Surface
17 Transportation Assistance Act of 1978; (3) under section
18 9 of the Federal-Aid Highway Act of 1981; (4) under sub-
19 sections (b) and (j) of section 131 of the Surface Trans-
20 portation Assistance Act of 1982; (5) under subsections
21 (b) and (c) of section 149 of the Surface Transportation
22 and Uniform Relocation Assistance Act of 1987; (6) under
23 sections 1103 through 1108 of the Intermodal Surface
24 Transportation Efficiency Act of 1991; (7) under section
25 157 of title 23, United States Code, as in effect on the

1 day before the date of the enactment of the Transpor-
2 tation Equity Act for the 21st Century; (8) under section
3 105 of title 23, United States Code, as in effect for fiscal
4 years 1998 through 2004, but only in an amount equal
5 to \$639,000,000 for each of those fiscal years; (9) for
6 Federal-aid highway programs for which obligation au-
7 thority was made available under the Transportation Eq-
8 uity Act for the 21st Century or subsequent public laws
9 for multiple years or to remain available until used, but
10 only to the extent that the obligation authority has not
11 lapsed or been used; (10) under section 105 of title 23,
12 United States Code, but only in an amount equal to
13 \$639,000,000 for each of fiscal years 2005 through 2008;
14 and (11) under section 1603 of the Safe, Accountable,
15 Flexible, Efficient Transportation Equity Act: A Legacy
16 for Users, to the extent that funds obligated in accordance
17 with that section were not subject to a limitation on obli-
18 gations at the time at which the funds were initially made
19 available for obligation.

20 (c) REDISTRIBUTION OF UNUSED OBLIGATION AU-
21 THORITY.—Notwithstanding subsection (a), the Secretary
22 shall, after August 1 of such fiscal year, revise a distribu-
23 tion of the obligation limitation made available under sub-
24 section (a) if the amount distributed cannot be obligated
25 during that fiscal year and redistribute sufficient amounts

1 to those States able to obligate amounts in addition to
2 those previously distributed during that fiscal year, giving
3 priority to those States having large unobligated balances
4 of funds apportioned under sections 104 and 144 of title
5 23, United States Code.

6 (d) APPLICABILITY OF OBLIGATION LIMITATIONS TO
7 TRANSPORTATION RESEARCH PROGRAMS.—The obliga-
8 tion limitation shall apply to transportation research pro-
9 grams carried out under chapter 5 of title 23, United
10 States Code, and title V (research title) of the Safe, Ac-
11 countable, Flexible, Efficient Transportation Equity Act:
12 A Legacy for Users, except that obligation authority made
13 available for such programs under such limitation shall re-
14 main available for a period of 3 fiscal years and shall be
15 in addition to the amount of any limitation imposed on
16 obligations for Federal-aid highway and highway safety
17 construction programs for future fiscal years.

18 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED
19 FUNDS.—

20 (1) IN GENERAL.—Not later than 30 days after
21 the date of the distribution of obligation limitation
22 under subsection (a), the Secretary shall distribute
23 to the States any funds that—

1 (A) are authorized to be appropriated for
2 such fiscal year for Federal-aid highways pro-
3 grams; and

4 (B) the Secretary determines will not be
5 allocated to the States, and will not be available
6 for obligation, in such fiscal year due to the im-
7 position of any obligation limitation for such
8 fiscal year.

9 (2) RATIO.—Funds shall be distributed under
10 paragraph (1) in the same ratio as the distribution
11 of obligation authority under subsection (a)(6).

12 (3) AVAILABILITY.—Funds distributed under
13 paragraph (1) shall be available for any purposes de-
14 scribed in section 133(b) of title 23, United States
15 Code.

16 (f) SPECIAL LIMITATION CHARACTERISTICS.—Obli-
17 gation limitation distributed for a fiscal year under sub-
18 section (a)(4) for the provision specified in subsection
19 (a)(4) shall—

20 (1) remain available until used for obligation of
21 funds for that provision; and

22 (2) be in addition to the amount of any limita-
23 tion imposed on obligations for Federal-aid highway
24 and highway safety construction programs for future
25 fiscal years.

1 (g) HIGH PRIORITY PROJECT FLEXIBILITY.—

2 (1) IN GENERAL.—Subject to paragraph (2),
3 obligation authority distributed for such fiscal year
4 under subsection (a)(4) for each project numbered 1
5 through 3676 listed in the table contained in section
6 1702 of the Safe, Accountable, Flexible, Efficient
7 Transportation Equity Act: A Legacy for Users may
8 be obligated for any other project in such section in
9 the same State.

10 (2) RESTORATION.—Obligation authority used
11 as described in paragraph (1) shall be restored to
12 the original purpose on the date on which obligation
13 authority is distributed under this section for the
14 next fiscal year following obligation under paragraph
15 (1).

16 (h) LIMITATION ON STATUTORY CONSTRUCTION.—
17 Nothing in this section shall be construed to limit the dis-
18 tribution of obligation authority under subsection
19 (a)(4)(A) for each of the individual projects numbered
20 greater than 3676 listed in the table contained in section
21 1702 of the Safe, Accountable, Flexible, Efficient Trans-
22 portation Equity Act: A Legacy for Users.

23 SEC. 121. Notwithstanding 31 U.S.C. 3302, funds re-
24 ceived by the Bureau of Transportation Statistics from the
25 sale of data products, for necessary expenses incurred pur-

1 suant to 49 U.S.C. 111 may be credited to the Federal-
2 aid highways account for the purpose of reimbursing the
3 Bureau for such expenses: *Provided*, That such funds shall
4 be subject to the obligation limitation for Federal-aid
5 highways and highway safety construction.

6 SEC. 122. Of the unobligated balances made available
7 under sections 1103, 1104, 1105, 1106(a), 1106(b), 1107,
8 and 1108 of Public Law 102-240, \$1,292,287.73 are re-
9 scinded.

10 SEC. 123. Of the unobligated balances made available
11 under section 1602 of Public Law 105-178,
12 \$6,138,880.54 are rescinded.

13 SEC. 124. Of the unobligated balances made available
14 under section 188(a)(1) of title 23, United States Code,
15 as in effect on the day before the date of enactment of
16 Public Law 109-59, and under section 608(a)(1) of such
17 title, \$162,253,000 are rescinded.

18 SEC. 125. Of the amounts made available under sec-
19 tion 104(a) of title 23, United States Code, \$43,358,601
20 are rescinded.

21 SEC. 126. Of the unobligated balances made available
22 under title 5 of Public Law 109-59, for the implementa-
23 tion or execution of programs for transportation research,
24 \$172,242,964 are rescinded.

1 SEC. 127. Of the amounts made available for “High-
2 way Related Safety Grants” by section 402 of title 23,
3 United States Code, and administered by the Federal
4 Highway Administration, \$11,314 in unobligated balances
5 are rescinded.

6 SEC. 128. Of the unobligated balances made available
7 under Public Law 101–516, Public Law 102–143, Public
8 Law 103–331, Public Law 106–346, Public Law 107–87,
9 and Public Law 108–7, \$4,753,687.26 are rescinded.

10 SEC. 129. Funds authorized under section 110 of
11 title 23, United States Code, for fiscal year 2008 shall
12 be distributed in accordance with the distribution set forth
13 in section 110(b)(4) (A) and (B) of such title, except that
14 before such allocations are made, \$219,250,000 shall be
15 set aside for the Transportation, Community, and System
16 Preservation Program under section 1117 of the Safe, Ac-
17 countable, Flexible, Efficient Transportation Equity Act:
18 A Legacy for Users (Public Law 109–59; 119 Stat. at
19 1177–1179) and administered in accordance with section
20 1117(g)(2) of such Act.

1 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
2 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS
3 (LIQUIDATION OF CONTRACT AUTHORIZATION)
4 (LIMITATION ON OBLIGATIONS)
5 (HIGHWAY TRUST FUND)
6 (INCLUDING RESCISSION)

7 For payment of obligations incurred for administra-
8 tion of motor carrier safety operations and programs pur-
9 suant to section 31104(i) of title 49, United States Code,
10 and sections 4127 and 4134 of Public Law 109–59,
11 \$228,000,000, to be derived from the Highway Trust
12 Fund (other than the Mass Transit Account), together
13 with advances and reimbursements received by the Fed-
14 eral Motor Carrier Safety Administration, the sum of
15 which shall remain available until expended: *Provided*,
16 That none of the funds derived from the Highway Trust
17 Fund in this Act shall be available for the implementation,
18 execution or administration of programs, the obligations
19 for which are in excess of \$228,000,000, for “Motor Car-
20 rier Safety Operations and Programs”, of which
21 \$10,296,000, to remain available for obligation until Sep-
22 tember 30, 2010, is for the research and technology pro-
23 gram and \$1,000,000 shall be available for commercial
24 motor vehicle operator’s grants to carry out section 4134
25 of Public Law 109–59: *Provided further*, That notwith-
26 standing any other provision of law, none of the funds

1 under this heading for outreach and education shall be
 2 available for transfer: *Provided further*, That \$3,469,553
 3 in unobligated balances are rescinded.

4 MOTOR CARRIER SAFETY GRANTS

5 (LIQUIDATION OF CONTRACT AUTHORIZATION)

6 (LIMITATION ON OBLIGATIONS)

7 (HIGHWAY TRUST FUND)

8 (INCLUDING RESCISSION)

9 For payment of obligations incurred in carrying out
 10 sections 31102, 31104(a), 31106, 31107, 31109, 31309,
 11 31313 of title 49, United States Code, and sections 4126
 12 and 4128 of Public Law 109–59, \$300,000,000, to be de-
 13 rived from the Highway Trust Fund (other than the Mass
 14 Transit Account) and to remain available until expended:
 15 *Provided*, That none of the funds in this Act shall be avail-
 16 able for the implementation or execution of programs, the
 17 obligations for which are in excess of \$300,000,000, for
 18 “Motor Carrier Safety Grants”; of which \$202,000,000
 19 shall be available for the motor carrier safety assistance
 20 program to carry out sections 31102 and 31104(a) of title
 21 49, United States Code; \$25,000,000 shall be available for
 22 the commercial driver’s license improvements program to
 23 carry out section 31313 of title 49, United States Code;
 24 \$32,000,000 shall be available for the border enforcement
 25 grants program to carry out section 31107 of title 49,
 26 United States Code; \$5,000,000 shall be available for the

1 performance and registration information system manage-
 2 ment program to carry out sections 31106(b) and 31109
 3 of title 49, United States Code; \$25,000,000 shall be
 4 available for the commercial vehicle information systems
 5 and networks deployment program to carry out section
 6 4126 of Public Law 109–59; \$3,000,000 shall be available
 7 for the safety data improvement program to carry out sec-
 8 tion 4128 of Public Law 109–59; and \$8,000,000 shall
 9 be available for the commercial driver’s license information
 10 system modernization program to carry out section
 11 31309(e) of title 49, United States Code: *Provided further*,
 12 That of the funds made available for the motor carrier
 13 safety assistance program, \$29,000,000 shall be available
 14 for audits of new entrant motor carriers: *Provided further*,
 15 That \$11,260,214 in unobligated balances are rescinded.

16 MOTOR CARRIER SAFETY

17 (HIGHWAY TRUST FUND)

18 (RESCISSION)

19 Of the amounts made available under this heading
 20 in prior appropriations Acts, \$32,187,720 in unobligated
 21 balances are rescinded.

1 NATIONAL MOTOR CARRIER SAFETY PROGRAM
2 (HIGHWAY TRUST FUND)
3 (RESCISSION)

4 Of the amounts made available under this hearing in
5 prior appropriations Act, \$5,212,858 in unobligated bal-
6 ances are rescinded.

7 ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER
8 SAFETY ADMINISTRATION

9 SEC. 130. Funds appropriated or limited in this Act
10 shall be subject to the terms and conditions stipulated in
11 section 350 of Public Law 107–87 and section 6901 of
12 Public Law 110–28, including that the Secretary submit
13 a report to the House and Senate Appropriations Commit-
14 tees annually on the safety and security of transportation
15 into the United States by Mexico-domiciled motor carriers.

16 NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION
17 OPERATIONS AND RESEARCH

18 For expenses necessary to discharge the functions of
19 the Secretary, with respect to traffic and highway safety
20 under subtitle C of title X of Public Law 109–59, chapter
21 301 of title 49, United States Code, and part C of subtitle
22 VI of title 49, United States Code, \$125,000,000, of which
23 \$26,156,000 shall remain available until September 30,
24 2010: *Provided*, That none of the funds appropriated by
25 this Act may be obligated or expended to plan, finalize,
26 or implement any rulemaking to add to section 575.104

1 of title 49 of the Code of Federal Regulations any require-
 2 ment pertaining to a grading standard that is different
 3 from the three grading standards (treadwear, traction,
 4 and temperature resistance) already in effect.

5 OPERATIONS AND RESEARCH
 6 (LIQUIDATION OF CONTRACT AUTHORIZATION)
 7 (LIMITATION ON OBLIGATIONS)
 8 (HIGHWAY TRUST FUND)

9 For payment of obligations incurred in carrying out
 10 the provisions of 23 U.S.C. 403, \$107,750,000, to be de-
 11 rived from the Highway Trust Fund (other than the Mass
 12 Transit Account) and to remain available until expended:
 13 *Provided*, That none of the funds in this Act shall be avail-
 14 able for the planning or execution of programs the total
 15 obligations for which, in fiscal year 2008, are in excess
 16 of \$107,750,000 for programs authorized under 23 U.S.C.
 17 403.

18 NATIONAL DRIVER REGISTER
 19 (LIQUIDATION OF CONTRACT AUTHORIZATION)
 20 (LIMITATION ON OBLIGATIONS)
 21 (HIGHWAY TRUST FUND)

22 For payment of obligations incurred in carrying out
 23 chapter 303 of title 49, United States Code, \$4,000,000,
 24 to be derived from the Highway Trust Fund (other than
 25 the Mass Transit Account) and to remain available until
 26 expended: *Provided*, That none of the funds in this Act

1 shall be available for the implementation or execution of
 2 programs the total obligations for which, in fiscal year
 3 2008, are in excess of \$4,000,000 for the National Driver
 4 Register authorized under such chapter.

5 HIGHWAY TRAFFIC SAFETY GRANTS
 6 (LIQUIDATION OF CONTRACT AUTHORIZATION)
 7 (LIMITATION ON OBLIGATIONS)
 8 (HIGHWAY TRUST FUND)

9 For payment of obligations incurred in carrying out
 10 the provisions of 23 U.S.C. 402, 405, 406, 408, and 410
 11 and sections 2001(a)(11), 2009, 2010, and 2011 of Public
 12 Law 109–59, to remain available until expended,
 13 \$599,250,000 to be derived from the Highway Trust Fund
 14 (other than the Mass Transit Account): *Provided*, That
 15 none of the funds in this Act shall be available for the
 16 planning or execution of programs the total obligations for
 17 which, in fiscal year 2008, are in excess of \$599,250,000
 18 for programs authorized under 23 U.S.C. 402, 405, 406,
 19 408, and 410 and sections 2001(a)(11), 2009, 2010, and
 20 2011 of Public Law 109–59, of which \$225,000,000 shall
 21 be for “Highway Safety Programs” under 23 U.S.C. 402;
 22 \$25,000,000 shall be for “Occupant Protection Incentive
 23 Grants” under 23 U.S.C. 405; \$124,500,000 shall be for
 24 “Safety Belt Performance Grants” under 23 U.S.C. 406;
 25 \$34,500,000 shall be for “State Traffic Safety Informa-
 26 tion System Improvements” under 23 U.S.C. 408;

1 \$131,000,000 shall be for “Alcohol-Impaired Driving
 2 Countermeasures Incentive Grant Program” under 23
 3 U.S.C. 410; \$18,250,000 shall be for “Administrative Ex-
 4 penses” under section 2001(a)(11) of Public Law 109–
 5 59; \$29,000,000 shall be for “High Visibility Enforcement
 6 Program” under section 2009 of Public Law 109–59;
 7 \$6,000,000 shall be for “Motorcyclist Safety” under sec-
 8 tion 2010 of Public Law 109–59; and \$6,000,000 shall
 9 be for “Child Safety and Child Booster Seat Safety Incen-
 10 tive Grants” under section 2011 of Public Law 109–59:
 11 *Provided further*, That none of these funds shall be used
 12 for construction, rehabilitation, or remodeling costs, or for
 13 office furnishings and fixtures for State, local or private
 14 buildings or structures: *Provided further*, That not to ex-
 15 ceed \$500,000 of the funds made available for section 410
 16 “Alcohol-Impaired Driving Countermeasures Grants”
 17 shall be available for technical assistance to the States:
 18 *Provided further*, That not to exceed \$750,000 of the
 19 funds made available for the “High Visibility Enforcement
 20 Program” shall be available for the evaluation required
 21 under section 2009(f) of Public Law 109–59.

22 ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY

23 TRAFFIC SAFETY ADMINISTRATION

24 (INCLUDING RESCISSIONS)

25 SEC. 140. Notwithstanding any other provision of law
 26 or limitation on the use of funds made available under

1 section 403 of title 23, United States Code, an additional
2 \$130,000 shall be made available to the National Highway
3 Traffic Safety Administration, out of the amount limited
4 for section 402 of title 23, United States Code, to pay
5 for travel and related expenses for State management re-
6 views and to pay for core competency development train-
7 ing and related expenses for highway safety staff.

8 SEC. 141. Of the amounts made available under the
9 heading “Operations and Research (Liquidation of Con-
10 tract Authorization) (Limitation on Obligations) (High-
11 way Trust Fund)” in prior appropriations Acts,
12 \$12,197,113.60 in unobligated balances are rescinded.

13 SEC. 142. Of the amounts made available under the
14 heading “National Driver Register (Liquidation of Con-
15 tract Authorization) (Limitation on Obligations) (High-
16 way Trust Fund)” in prior appropriations Acts,
17 \$119,914.61 in unobligated balances are rescinded.

18 SEC. 143. Of the amounts made available under the
19 heading “Highway Traffic Safety Grants (Liquidation of
20 Contract Authorization) (Limitation on Obligations)
21 (Highway Trust Fund)” in prior appropriations Acts,
22 \$10,528,958 in unobligated balances are rescinded.

1 FEDERAL RAILROAD ADMINISTRATION

2 SAFETY AND OPERATIONS

3 For necessary expenses of the Federal Railroad Ad-
4 ministration, not otherwise provided for, \$148,472,000, of
5 which \$12,268,890 shall remain available until expended.

6 RAILROAD RESEARCH AND DEVELOPMENT

7 For necessary expenses for railroad research and de-
8 velopment, \$33,250,000, to remain available until ex-
9 pended.

10 RAILROAD REHABILITATION AND IMPROVEMENT

11 PROGRAM

12 The Secretary of Transportation is authorized to
13 issue to the Secretary of the Treasury notes or other obli-
14 gations pursuant to section 512 of the Railroad Revitaliza-
15 tion and Regulatory Reform Act of 1976 (Public Law 94-
16 210), as amended, in such amounts and at such times as
17 may be necessary to pay any amounts required pursuant
18 to the guarantee of the principal amount of obligations
19 under sections 511 through 513 of such Act, such author-
20 ity to exist as long as any such guaranteed obligation is
21 outstanding: *Provided*, That pursuant to section 502 of
22 such Act, as amended, no new direct loans or loan guar-
23 antee commitments shall be made using Federal funds for
24 the credit risk premium during fiscal year 2008.

1 RAIL LINE RELOCATION AND IMPROVEMENT PROGRAM

2 For necessary expenses of carrying out section 20154
3 of title 49, United States Code, as authorized by section
4 9002 of Public Law 109–59, \$35,000,000.

5 OPERATING GRANTS TO THE NATIONAL RAILROAD

6 PASSENGER CORPORATION

7 To enable the Secretary of Transportation to make
8 quarterly grants to the National Railroad Passenger Cor-
9 poration for operation of intercity passenger rail,
10 \$475,000,000 to remain available until expended: *Pro-*
11 *vided*, That the Secretary of Transportation shall approve
12 funding to cover operating losses for the Corporation only
13 after receiving and reviewing a grant request for each spe-
14 cific train route: *Provided further*, That each such grant
15 request shall be accompanied by a detailed financial anal-
16 ysis, revenue projection, and capital expenditure projection
17 justifying the Federal support to the Secretary's satisfac-
18 tion: *Provided further*, That the Corporation is directed to
19 achieve savings through operating efficiencies including,
20 but not limited to, modifications to food and beverage
21 service and first class service: *Provided further*, That the
22 Inspector General of the Department of Transportation
23 shall report to the House and Senate Committees on Ap-
24 propriations beginning three months after the date of the
25 enactment of this Act and quarterly thereafter with esti-
26 mates of the savings accrued as a result of all operational

1 reforms instituted by the Corporation: *Provided further*,
2 That not later than 120 days after enactment of this Act,
3 the Corporation shall transmit to the House and Senate
4 Committees on Appropriations the status of its plan to
5 improve the financial performance of food and beverage
6 service and its plan to improve the financial performance
7 of first class service (including sleeping car service): *Pro-*
8 *vided further*, That the Corporation shall report quarterly
9 to the House and Senate Committees on Appropriations
10 on its progress against the milestones and target dates
11 contained in the plan provided in fiscal year 2007 and
12 quantify savings realized to date on a monthly basis com-
13 pared to those projected in the plan, identify any changes
14 in the plan or delays in implementing these plans, and
15 identify the causes of delay and proposed corrective meas-
16 ures: *Provided further*, That not later than 90 days after
17 enactment of this Act, the Corporation shall transmit, in
18 electronic format, to the Secretary, the House and Senate
19 Committees on Appropriations, the House Committee on
20 Transportation and Infrastructure and the Senate Com-
21 mittee on Commerce, Science, and Transportation a com-
22 prehensive business plan approved by the Board of Direc-
23 tors for fiscal year 2008 under section 24104(a) of title
24 49, United States Code: *Provided further*, That the busi-
25 ness plan shall include, as applicable, targets for ridership,

1 revenues, and capital and operating expenses: *Provided*
2 *further*, That the plan shall also include a separate ac-
3 counting of such targets for the Northeast Corridor; com-
4 muter service; long-distance Amtrak service; State-sup-
5 ported service; each intercity train route, including Auto-
6 train; and commercial activities including contract oper-
7 ations: *Provided further*, That the business plan shall in-
8 clude a description of the work to be funded, along with
9 cost estimates and an estimated timetable for completion
10 of the projects covered by this business plan: *Provided fur-*
11 *ther*, That the Corporation shall continue to provide
12 monthly reports in electronic format regarding the pend-
13 ing business plan, which shall describe the work completed
14 to date, any changes to the business plan, and the reasons
15 for such changes, and shall identify all sole source contract
16 awards which shall be accompanied by a justification as
17 to why said contract was awarded on a sole source basis:
18 *Provided further*, That the Corporation's business plan
19 and all subsequent supplemental plans shall be displayed
20 on the Corporation's website within a reasonable time-
21 frame following their submission to the appropriate enti-
22 ties: *Provided further*, That the leases and contracts en-
23 tered into by the Corporation in any year that the Cor-
24 poration receives a Federal subsidy after the date of enact-
25 ment of the Act, regardless of the place the same may

1 be executed, shall be governed by the laws of the District
 2 of Columbia: *Provided further*, That none of the funds
 3 under this heading may be obligated or expended until the
 4 Corporation agrees to continue abiding by the provisions
 5 of paragraphs 1, 2, 5, 9, and 11 of the summary of condi-
 6 tions for the direct loan agreement of June 28, 2002, in
 7 the same manner as in effect on the date of enactment
 8 of this Act: *Provided further*, That none of the funds pro-
 9 vided in this Act may be used after March 1, 2006, to
 10 support any route on which Amtrak offers a discounted
 11 fare of more than 50 percent off the normal, peak fare:
 12 *Provided further*, That the preceding proviso does not
 13 apply to routes where the operating loss as a result of the
 14 discount is covered by a State and the State participates
 15 in the setting of fares: *Provided further*, That of the
 16 amounts made available under this heading not less than
 17 \$18,500,000 shall be available for the Amtrak Office of
 18 Inspector General.

19 CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL
 20 RAILROAD PASSENGER CORPORATION

21 To enable the Secretary of Transportation to make
 22 quarterly grants to the National Railroad Passenger Cor-
 23 poration for the maintenance and repair of capital infra-
 24 structure owned by the Corporation, including railroad
 25 equipment, rolling stock, legal mandates and other serv-
 26 ices, \$925,000,000 to remain available until expended, of

1 which not to exceed \$285,000,000 shall be for debt service
2 obligations: *Provided*, That the Secretary may retain up
3 to one-quarter of one percent of the funds under this head-
4 ing to fund the oversight by the Federal Railroad Adminis-
5 tration of the design and implementation of capital
6 projects funded by grants made under this heading: *Pro-*
7 *vided further*, That the Secretary shall approve funding
8 for capital expenditures, including advance purchase or-
9 ders of materials, for the Corporation only after receiving
10 and reviewing a grant request for each specific capital
11 grant justifying the Federal support to the Secretary's
12 satisfaction: *Provided further*, That none of the funds
13 under this heading may be used to subsidize operating
14 losses of the Corporation: *Provided further*, That none of
15 the funds under this heading may be used for capital
16 projects not approved by the Secretary of Transportation
17 or on the Corporation's fiscal year 2008 business plan:
18 *Provided further*, That \$35,000,000 of amounts made
19 available under this heading shall be available until ex-
20 pended for capital improvements if the Corporation dem-
21 onstrates to the Secretary's satisfaction that the Corpora-
22 tion has achieved operational savings and met ridership
23 and revenue targets as defined in the Corporation's busi-
24 ness plan: *Provided further*, That of the funds provided
25 under this section, not less than \$5,000,000 shall be ex-

1 pended for the development and implementation of a man-
2 agerial cost accounting system, which includes average
3 and marginal unit cost capability: *Provided further*, That
4 within 90 days of enactment, the Department of Trans-
5 portation Inspector General shall review and comment to
6 the Secretary of Transportation and the House and Sen-
7 ate Committees on Appropriations upon the strengths and
8 weaknesses of the system being developed by the Corpora-
9 tion and how it best can be implemented to improve deci-
10 sion making by the Board of Directors and management
11 of the Corporation: *Provided further*, That not later than
12 180 days after the enactment of this Act, the Secretary,
13 in consultation with the Corporation and the States on
14 the Northeast Corridor, shall establish a common defini-
15 tion of what is determined to be a “state of good repair”
16 on the Northeast Corridor and report its findings, includ-
17 ing definitional areas of disagreement, to the House and
18 Senate Committees on Appropriations, the House Com-
19 mittee on Transportation and Infrastructure and the Sen-
20 ate Committee on Commerce, Science, and Transpor-
21 tation.

22 INTERCITY PASSENGER RAIL GRANT PROGRAM

23 To enable the Secretary to make grants to States in
24 support of intercity passenger rail, \$50,000,000 as author-
25 ized by section 26101 of title 49, United States Code, to
26 remain available until expended: *Provided*, That States

1 may apply to the Federal Railroad Administration for
2 grants up to 50 percent of the cost of planning and capital
3 investments necessary to support improved intercity pas-
4 senger rail service that either requires no operating sub-
5 sidy or for which the State or States agree to provide any
6 needed operating subsidy: *Provided further*, That priority
7 shall be given to planning and infrastructure improvement
8 projects that improve the safety, reliability and schedule
9 of intercity passenger trains, reduce congestion on the
10 host freight railroads, involve a commitment by freight
11 railroads to an enforceable on-time performance of pas-
12 senger trains of 80 percent or greater, involve a commit-
13 ment by States of financial resources to improve the safety
14 of highway/rail grade crossings over which the passenger
15 service operates, and that protect and enhance the envi-
16 ronment, promote energy conservation, and improve qual-
17 ity of life: *Provided further*, That to be eligible for this
18 assistance, States must include intercity passenger rail
19 service as an integral part of Statewide transportation
20 planning as required under 23 U.S.C. 135: *Provided fur-*
21 *ther*, That the specific project must be on the Statewide
22 Transportation Improvement Plan at the time of the ap-
23 plication to qualify.

1 ADMINISTRATIVE PROVISION—FEDERAL RAILROAD

2 ADMINISTRATION

3 SEC. 150. The Secretary may purchase promotional
4 items of nominal value for use in public outreach activities
5 to accomplish the purposes of 49 U.S.C. 20134: *Provided*,
6 That the Secretary shall prescribe guidelines for the ad-
7 ministration of such purchases and use.

8 FEDERAL TRANSIT ADMINISTRATION

9 ADMINISTRATIVE EXPENSES

10 For necessary administrative expenses of the Federal
11 Transit Administration's programs authorized by chapter
12 53 of title 49, United States Code, \$92,500,000: *Provided*,
13 That of the funds available under this heading, not to ex-
14 ceed \$1,504,000 shall be available for travel and not to
15 exceed \$20,719,000 shall be available for the central ac-
16 count: *Provided further*, That any funding transferred
17 from the central account shall be submitted for approval
18 to the House and Senate Committees on Appropriations:
19 *Provided further*, That none of the funds provided or lim-
20 ited in this Act may be used to create a permanent office
21 of transit security under this heading: *Provided further*,
22 That of the funds in this Act available for the execution
23 of contracts under section 5327(c) of title 49, United
24 States Code, \$2,000,000 shall be reimbursed to the De-
25 partment of Transportation's Office of Inspector General

1 for costs associated with audits and investigations of tran-
 2 sit-related issues, including reviews of new fixed guideway
 3 systems: *Provided further*, That upon submission to the
 4 Congress of the fiscal year 2009 President's budget, the
 5 Secretary of Transportation shall transmit to Congress
 6 the annual report on new starts, including proposed alloca-
 7 tions of funds for fiscal year 2009.

8 FORMULA AND BUS GRANTS

9 (LIQUIDATION OF CONTRACT AUTHORITY)

10 (LIMITATION ON OBLIGATIONS)

11 (HIGHWAY TRUST FUND)

12 (INCLUDING RESCISSION)

13 For payment of obligations incurred in carrying out
 14 the provisions of 49 U.S.C. 5305, 5307, 5308, 5309,
 15 5310, 5311, 5316, 5317, 5320, 5335, 5339, and 5340 and
 16 section 3038 of Public Law 105–178, as amended,
 17 \$6,855,000,000, to be derived from the Mass Transit Ac-
 18 count of the Highway Trust Fund and to remain available
 19 until expended: *Provided*, That funds available for the im-
 20 plementation or execution of programs authorized under
 21 49 U.S.C. 5305, 5307, 5308, 5309, 5310, 5311, 5316,
 22 5317, 5320, 5335, 5339, and 5340 and section 3038 of
 23 Public Law 105–178, as amended, shall not exceed total
 24 obligations of \$7,872,893,000 in fiscal year 2008: *Pro-*
 25 *vided further*, That \$28,660,920 in unobligated balances
 26 are rescinded.

1 RESEARCH AND UNIVERSITY RESEARCH CENTERS

2 For necessary expenses to carry out 49 U.S.C. 5306,
 3 5312–5315, 5322, and 5506, \$65,500,000, to remain
 4 available until expended: *Provided*, That \$9,300,000 is
 5 available to carry out the transit cooperative research pro-
 6 gram under section 5313 of title 49, United States Code,
 7 \$4,300,000 is available for the National Transit Institute
 8 under section 5315 of title 49, United States Code,
 9 \$7,000,000 is available for university transportation cen-
 10 ters program under section 5506 of title 49, United States
 11 Code: *Provided further*, That \$44,900,000 is available to
 12 carry out national research programs under sections 5312,
 13 5313, 5314, and 5322 of title 49, United States Code.

14 CAPITAL INVESTMENT GRANTS

15 (INCLUDING RESCISSION)

16 For necessary expenses to carry out section 5309 of
 17 title 49, United States Code, \$1,700,000,000, to remain
 18 available until expended of which \$200,000,000 is for sec-
 19 tion 5309(e): *Provided*, That \$17,760,000 in unobligated
 20 balances are rescinded.

21 ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT

22 ADMINISTRATION

23 SEC. 160. The limitations on obligations for the pro-
 24 grams of the Federal Transit Administration shall not
 25 apply to any authority under 49 U.S.C. 5338, previously

1 made available for obligation, or to any other authority
2 previously made available for obligation.

3 SEC. 161. Notwithstanding any other provision of
4 law, funds made available by this Act under “Federal
5 Transit Administration, Capital investment grants” and
6 bus and bus facilities under “Federal Transit Administra-
7 tion, Formula and bus grants” for projects specified in
8 this Act or identified in reports accompanying this Act not
9 obligated by September 30, 2010, and other recoveries,
10 shall be made available for other projects under 49 U.S.C.
11 5309.

12 SEC. 162. Notwithstanding any other provision of
13 law, any funds appropriated before October 1, 2007, under
14 any section of chapter 53 of title 49, United States Code,
15 that remain available for expenditure, may be transferred
16 to and administered under the most recent appropriation
17 heading for any such section.

18 SEC. 163. Notwithstanding any other provision of
19 law, unobligated funds made available for a new fixed
20 guideway systems projects under the heading “Federal
21 Transit Administration, Capital Investment Grants” in
22 any appropriations Act prior to this Act may be used dur-
23 ing this fiscal year to satisfy expenses incurred for such
24 projects.

1 SEC. 164. During fiscal year 2008, each Federal
2 Transit Administration grant for a project that involves
3 the acquisition or rehabilitation of a bus to be used in pub-
4 lic transportation shall be funded for 100 percent of the
5 net capital costs of a factory-installed or retrofitted hybrid
6 electric propulsion system and any equipment related to
7 such a system: *Provided*, That the Secretary shall have
8 the discretion to determine, through practicable adminis-
9 trative procedures, the costs attributable to the system
10 and related-equipment.

11 SEC. 165. In addition to amounts otherwise made
12 available in this Act, to enable the Secretary of Transpor-
13 tation to make grants to carry out 49 U.S.C. 5308 of Pub-
14 lic Law 109–59, \$26,000,000, to remain available until
15 expended.

16 SEC. 166. The second sentence of section 321 of the
17 Department of Transportation and Related Agencies Ap-
18 propriations Act, 1986 (99 Stat. 1287) is repealed.

19 SAINT LAWRENCE SEAWAY DEVELOPMENT
20 CORPORATION

21 The Saint Lawrence Seaway Development Corpora-
22 tion is hereby authorized to make such expenditures, with-
23 in the limits of funds and borrowing authority available
24 to the Corporation, and in accordance with law, and to
25 make such contracts and commitments without regard to

1 fiscal year limitations as provided by section 104 of the
2 Government Corporation Control Act, as amended, as may
3 be necessary in carrying out the programs set forth in the
4 Corporation's budget for the current fiscal year.

5 OPERATIONS AND MAINTENANCE
6 (HARBOR MAINTENANCE TRUST FUND)

7 For necessary expenses for operations and mainte-
8 nance of those portions of the Saint Lawrence Seaway op-
9 erated and maintained by the Saint Lawrence Seaway De-
10 velopment Corporation, \$17,392,000, to be derived from
11 the Harbor Maintenance Trust Fund, pursuant to Public
12 Law 99-662.

13 MARITIME ADMINISTRATION
14 MARITIME SECURITY PROGRAM

15 For necessary expenses to maintain and preserve a
16 United States-flag merchant fleet to serve the national se-
17 curity needs of the United States, \$156,000,000, to re-
18 main available until expended.

19 OPERATIONS AND TRAINING

20 For necessary expenses of operations and training ac-
21 tivities authorized by law, \$118,646,000, of which
22 \$24,720,000 shall remain available until September 30,
23 2008, for salaries and benefits of employees of the United
24 States Merchant Marine Academy; of which \$14,139,000
25 shall remain available until expended for capital improve-
26 ments at the United States Merchant Marine Academy;

1 and of which \$10,500,000 shall remain available until ex-
 2 pended for maintenance and repair of schoolships at State
 3 Maritime Schools.

4 SHIP DISPOSAL

5 For necessary expenses related to the disposal of ob-
 6 solete vessels in the National Defense Reserve Fleet of the
 7 Maritime Administration, \$17,000,000, to remain avail-
 8 able until expended.

9 MARITIME GUARANTEED LOAN PROGRAM ACCOUNT

10 (INCLUDING TRANSFER OF FUNDS)

11 For administrative expenses to carry out the guaran-
 12 teed loan program, not to exceed \$3,408,000, which shall
 13 be transferred to and merged with the appropriation for
 14 “Operations and Training”, Maritime Administration.

15 SHIP CONSTRUCTION

16 (RESCISSION)

17 Of the unobligated balances available under this
 18 heading, \$3,526,000 are rescinded.

19 ADMINISTRATIVE PROVISIONS—MARITIME

20 ADMINISTRATION

21 SEC. 170. Notwithstanding any other provision of
 22 this Act, the Maritime Administration is authorized to fur-
 23 nish utilities and services and make necessary repairs in
 24 connection with any lease, contract, or occupancy involving
 25 Government property under control of the Maritime Ad-
 26 ministration, and payments received therefore shall be

1 credited to the appropriation charged with the cost there-
 2 of: *Provided*, That rental payments under any such lease,
 3 contract, or occupancy for items other than such utilities,
 4 services, or repairs shall be covered into the Treasury as
 5 miscellaneous receipts.

6 SEC. 171. No obligations shall be incurred during the
 7 current fiscal year from the construction fund established
 8 by section 53716 of title 46, United States Code, or other-
 9 wise, in excess of the appropriations and limitations con-
 10 tained in this Act or in any prior appropriations Act.

11 PIPELINE AND HAZARDOUS MATERIALS SAFETY

12 ADMINISTRATION

13 ADMINISTRATIVE EXPENSES

14 For necessary administrative expenses of the Pipeline
 15 and Hazardous Materials Safety Administration,
 16 \$18,130,000, of which \$639,000 shall be derived from the
 17 Pipeline Safety Fund.

18 HAZARDOUS MATERIALS SAFETY

19 For expenses necessary to discharge the hazardous
 20 materials safety functions of the Pipeline and Hazardous
 21 Materials Safety Administration, \$28,899,000, of which
 22 \$1,829,000 shall remain available until September 30,
 23 2010: *Provided*, That up to \$1,200,000 in fees collected
 24 under 49 U.S.C. 5108(g) shall be deposited in the general
 25 fund of the Treasury as offsetting receipts: *Provided fur-*
 26 *ther*, That there may be credited to this appropriation, to

1 be available until expended, funds received from States,
 2 counties, municipalities, other public authorities, and pri-
 3 vate sources for expenses incurred for training, for reports
 4 publication and dissemination, and for travel expenses in-
 5 curred in performance of hazardous materials exemptions
 6 and approvals functions.

7 PIPELINE SAFETY

8 (PIPELINE SAFETY FUND)

9 (OIL SPILL LIABILITY TRUST FUND)

10 For expenses necessary to conduct the functions of
 11 the pipeline safety program, for grants-in-aid to carry out
 12 a pipeline safety program, as authorized by 49 U.S.C.
 13 60107, and to discharge the pipeline program responsibil-
 14 ities of the Oil Pollution Act of 1990, \$78,875,000, of
 15 which \$18,810,000 shall be derived from the Oil Spill Li-
 16 ability Trust Fund and shall remain available until Sep-
 17 tember 30, 2010; of which \$60,065,000 shall be derived
 18 from the Pipeline Safety Fund, of which \$32,683,000
 19 shall remain available until September 30, 2010: *Provided*,
 20 That not less than \$1,043,000 of the funds provided under
 21 this heading shall be for the one-call State grant program.

22 EMERGENCY PREPAREDNESS GRANTS

23 (EMERGENCY PREPAREDNESS FUND)

24 For necessary expenses to carry out 49 U.S.C.
 25 5128(b), \$188,000, to be derived from the Emergency
 26 Preparedness Fund, to remain available until September

1 30, 2009: *Provided*, That not more than \$28,318,000 shall
 2 be made available for obligation in fiscal year 2008 from
 3 amounts made available by 49 U.S.C. 5116(i) and
 4 5128(b)–(c): *Provided further*, That none of the funds
 5 made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c)
 6 shall be made available for obligation by individuals other
 7 than the Secretary of Transportation, or his designee.

8 RESEARCH AND INNOVATIVE TECHNOLOGY

9 ADMINISTRATION

10 RESEARCH AND DEVELOPMENT

11 For necessary expenses of the Research and Innova-
 12 tive Technology Administration, \$12,000,000, of which
 13 \$6,036,000 shall remain available until September 30,
 14 2010: *Provided*, That there may be credited to this appro-
 15 priation, to be available until expended, funds received
 16 from States, counties, municipalities, other public authori-
 17 ties, and private sources for expenses incurred for train-
 18 ing.

19 OFFICE OF INSPECTOR GENERAL

20 SALARIES AND EXPENSES

21 For necessary expenses of the Office of Inspector
 22 General to carry out the provisions of the Inspector Gen-
 23 eral Act of 1978 (5 U.S.C. App. 3), \$66,400,000: *Pro-*
 24 *vided*, That the Inspector General shall have all necessary
 25 authority, in carrying out the duties specified in the In-

1 spector General Act (5 U.S.C. App. 3), to investigate alle-
2 gations of fraud, including false statements to the govern-
3 ment under 18 U.S.C. 1001, by any person or entity that
4 is subject to regulation by the Department: *Provided fur-*
5 *ther*, That the funds made available under this heading
6 shall be used to investigate, pursuant to section 41712 of
7 title 49, United States Code: (1) unfair or deceptive prac-
8 tices and unfair methods of competition by domestic and
9 foreign air carriers and ticket agents; and (2) the compli-
10 ance of domestic and foreign air carriers with respect to
11 item (1) of this proviso.

12 SURFACE TRANSPORTATION BOARD

13 SALARIES AND EXPENSES

14 For necessary expenses of the Surface Transpor-
15 tation Board, including services authorized by 5 U.S.C.
16 3109, \$26,495,000: *Provided*, That notwithstanding any
17 other provision of law, not to exceed \$1,250,000 from fees
18 established by the Chairman of the Surface Transpor-
19 tation Board shall be credited to this appropriation as off-
20 setting collections and used for necessary and authorized
21 expenses under this heading: *Provided further*, That the
22 sum herein appropriated from the general fund shall be
23 reduced on a dollar-for-dollar basis as such offsetting col-
24 lections are received during fiscal year 2008, to result in

1 a final appropriation from the general fund estimated at
2 no more than \$25,245,000.

3 GENERAL PROVISIONS—DEPARTMENT OF
4 TRANSPORTATION
5 (INCLUDING TRANSFERS OF FUNDS)

6 SEC. 180. During the current fiscal year applicable
7 appropriations to the Department of Transportation shall
8 be available for maintenance and operation of aircraft;
9 hire of passenger motor vehicles and aircraft; purchase of
10 liability insurance for motor vehicles operating in foreign
11 countries on official department business; and uniforms or
12 allowances therefor, as authorized by law (5 U.S.C. 5901–
13 5902).

14 SEC. 181. Appropriations contained in this Act for
15 the Department of Transportation shall be available for
16 services as authorized by 5 U.S.C. 3109, but at rates for
17 individuals not to exceed the per diem rate equivalent to
18 the rate for an Executive Level IV.

19 SEC. 182. None of the funds in this Act shall be avail-
20 able for salaries and expenses of more than 110 political
21 and Presidential appointees in the Department of Trans-
22 portation: *Provided*, That none of the personnel covered
23 by this provision may be assigned on temporary detail out-
24 side the Department of Transportation.

1 SEC. 183. None of the funds in this Act shall be used
2 to implement section 404 of title 23, United States Code.

3 SEC. 184. (a) No recipient of funds made available
4 in this Act shall disseminate personal information (as de-
5 fined in 18 U.S.C. 2725(3)) obtained by a State depart-
6 ment of motor vehicles in connection with a motor vehicle
7 record as defined in 18 U.S.C. 2725(1), except as provided
8 in 18 U.S.C. 2721 for a use permitted under 18 U.S.C.
9 2721.

10 (b) Notwithstanding subsection (a), the Secretary
11 shall not withhold funds provided in this Act for any
12 grantee if a State is in noncompliance with this provision.

13 SEC. 185. Funds received by the Federal Highway
14 Administration, Federal Transit Administration, and Fed-
15 eral Railroad Administration from States, counties, mu-
16 nicipalities, other public authorities, and private sources
17 for expenses incurred for training may be credited respec-
18 tively to the Federal Highway Administration's "Federal-
19 Aid Highways" account, the Federal Transit Administra-
20 tion's "Research and University Research Centers" ac-
21 count, and to the Federal Railroad Administration's
22 "Safety and Operations" account, except for State rail
23 safety inspectors participating in training pursuant to 49
24 U.S.C. 20105.

1 SEC. 186. Notwithstanding any other provisions of
2 law, rule or regulation, the Secretary of Transportation
3 is authorized to allow the issuer of any preferred stock
4 heretofore sold to the Department to redeem or repur-
5 chase such stock upon the payment to the Department of
6 an amount determined by the Secretary.

7 SEC. 187. None of the funds in this Act to the De-
8 partment of Transportation may be used to make a grant
9 unless the Secretary of Transportation notifies the House
10 and Senate Committees on Appropriations not less than
11 3 full business days before any discretionary grant award,
12 letter of intent, or full funding grant agreement totaling
13 \$1,000,000 or more is announced by the department or
14 its modal administrations from: (1) any discretionary
15 grant program of the Federal Highway Administration
16 other than the emergency relief program; (2) the airport
17 improvement program of the Federal Aviation Administra-
18 tion; or (3) any program of the Federal Transit Adminis-
19 tration other than the formula grants and fixed guideway
20 modernization programs: *Provided*, That no notification
21 shall involve funds that are not available for obligation.

22 SEC. 188. Rebates, refunds, incentive payments,
23 minor fees and other funds received by the Department
24 of Transportation from travel management centers,
25 charge card programs, the subleasing of building space,

1 and miscellaneous sources are to be credited to appropria-
2 tions of the Department of Transportation and allocated
3 to elements of the Department of Transportation using
4 fair and equitable criteria and such funds shall be avail-
5 able until expended.

6 SEC. 189. Amounts made available in this or any
7 other Act that the Secretary determines represent im-
8 proper payments by the Department of Transportation to
9 a third party contractor under a financial assistance
10 award, which are recovered pursuant to law, shall be avail-
11 able—

12 (1) to reimburse the actual expenses incurred
13 by the Department of Transportation in recovering
14 improper payments; and

15 (2) to pay contractors for services provided in
16 recovering improper payments or contractor support
17 in the implementation of the Improper Payments In-
18 formation Act of 2002: *Provided*, That amounts in
19 excess of that required for paragraphs (1) and (2)—

20 (A) shall be credited to and merged with
21 the appropriation from which the improper pay-
22 ments were made, and shall be available for the
23 purposes and period for which such appropria-
24 tions are available; or

1 (B) if no such appropriation remains avail-
2 able, shall be deposited in the Treasury as mis-
3 cellaneous receipts: *Provided*, That prior to the
4 transfer of any such recovery to an appropria-
5 tions account, the Secretary shall notify the
6 House and Senate Committees on Appropria-
7 tions of the amount and reasons for such trans-
8 fer: *Provided further*, That for purposes of this
9 section, the term “improper payments”, has the
10 same meaning as that provided in section
11 2(d)(2) of Public Law 107–300.

12 SEC. 190. Funds provided in Public Law 102–143
13 in the item relating to “Highway Bypass Demonstration
14 Project” shall be available for the improvement of Route
15 101 in the vicinity of Prunedale, Monterey County, Cali-
16 fornia.

17 SEC. 191. Funds provided under section 378 of the
18 Department of Transportation and Related Agencies Ap-
19 propriations Act, 2001 (Public Law 106–346, 114 Stat.
20 1356, 1356A–41), for the reconstruction of School Road
21 East in Marlboro Township, New Jersey, shall be available
22 for the Spring Valley Road Project in Marlboro Township,
23 New Jersey.

24 This title may be cited as the “Department of Trans-
25 portation Appropriations Act, 2008”.

1 TITLE II
2 DEPARTMENT OF HOUSING AND URBAN
3 DEVELOPMENT
4 PUBLIC AND INDIAN HOUSING
5 TENANT-BASED RENTAL ASSISTANCE
6 (INCLUDING TRANSFER OF FUNDS)

7 For activities and assistance for the provision of ten-
8 ant-based rental assistance authorized under the United
9 States Housing Act of 1937 (42 U.S.C. 1437 et seq.)
10 (“the Act”), not otherwise provided for, \$16,330,000,000,
11 to remain available until expended, of which
12 \$12,137,000,000 shall be available on October 1, 2007,
13 and \$4,193,000,000 shall be available on October 1, 2008:
14 *Provided*, That the amounts made available under this
15 heading are provided as follows:

16 (1) \$14,744,506,000 for renewals of expiring
17 section 8 tenant-based annual contributions con-
18 tracts (including renewals of enhanced vouchers
19 under any provision of law authorizing such assist-
20 ance under section 8(t) of the Act): *Provided*, That
21 notwithstanding any other provision of law, from
22 amounts provided under this paragraph, the Sec-
23 retary of Housing and Urban Development for the
24 calendar year 2008 funding cycle shall provide re-
25 newal funding for each public housing agency based
26 on the amount public housing agencies received in

1 calendar year 2007, by applying the 2008 Annual
2 Adjustment Factor as established by the Secretary,
3 and by making any necessary adjustments for the
4 costs associated with deposits to Family Self-Suffi-
5 ciency Program escrow accounts or the first-time re-
6 newal of tenant protection or HOPE VI vouchers or
7 vouchers that were not in use during the 12-month
8 period in order to be available to meet a commit-
9 ment pursuant to section 8(o)(13) of the Act: *Pro-*
10 *vided further*, That the Secretary shall, to the extent
11 necessary to stay within the amount provided under
12 this paragraph, pro rate each public housing agen-
13 cy's allocation otherwise established pursuant to this
14 paragraph: *Provided further*, That except as provided
15 in the following proviso, the entire amount provided
16 under this paragraph shall be obligated to the public
17 housing agencies based on the allocation and pro
18 rata method described above and the Secretary shall
19 notify public housing agencies of their annual budg-
20 ets not later than 45 days after enactment of this
21 Act: *Provided further*, That public housing agencies
22 participating in the Moving to Work demonstration
23 shall be funded pursuant to their Moving to Work
24 agreements and shall be subject to the same pro
25 rata adjustments under the previous proviso: *Pro-*

1 *vided further*, That up to \$75,000,000 shall be avail-
2 able for additional rental subsidy due to unforeseen
3 exigencies as determined by the Secretary and for
4 the one-time funding of housing assistance payments
5 resulting from the portability provisions of the hous-
6 ing choice voucher program: *Provided further*, That
7 none of the funds provided in this paragraph may be
8 used to support a total number of unit months
9 under lease which exceeds a public housing agency's
10 authorized level of units under contract.

11 (2) \$150,000,000 for section 8 rental assistance
12 for relocation and replacement of housing units that
13 are demolished or disposed of pursuant to the Omni-
14 bus Consolidated Rescissions and Appropriations Act
15 of 1996 (Public Law 104–134), conversion of section
16 23 projects to assistance under section 8, the family
17 unification program under section 8(x) of the Act,
18 relocation of witnesses in connection with efforts to
19 combat crime in public and assisted housing pursu-
20 ant to a request from a law enforcement or prosecu-
21 tion agency, enhanced vouchers under any provision
22 of law authorizing such assistance under section 8(t)
23 of the Act, HOPE VI vouchers, mandatory and vol-
24 untary conversions, and tenant protection assistance
25 including replacement and relocation assistance: *Pro-*

1 *vided*, That additional section 8 tenant protection
2 rental assistance costs may be funded in 2008 by
3 utilizing unobligated balances, including recaptures
4 and carryover, remaining from funds appropriated to
5 the Department of Housing and Urban Development
6 under this heading, the heading “Annual Contribu-
7 tions for Assisted Housing”, the heading “Housing
8 Certificate Fund”, and the heading “Project-Based
9 Rental Assistance”, for fiscal year 2007 and prior
10 years; *Provided further*, That not more than
11 \$12,000,000 may be used for section 8 assistance to
12 cover the cost of judgments and settlement agree-
13 ments.

14 (3) \$48,000,000 for family self-sufficiency coor-
15 dinators under section 23 of the Act.

16 (4) \$30,000,000 for incremental vouchers under
17 section 8 of the Act for nonelderly disabled families
18 affected by the designation of a public housing devel-
19 opment under section 7 of the Act, the establishment
20 of preferences in accordance with section 651 of the
21 Housing and Community Development Act of 1992
22 (42 U.S.C. 13611), or the restriction of occupancy
23 to elderly families in accordance with section 658 of
24 such Act (42 U.S.C. 13618), and to the extent the
25 Secretary determines that such amount is not need-

1 ed to fund applications for such affected families, for
2 other nonelderly disabled families, of which remain-
3 ing amount such amount as is necessary shall be
4 made available to provide 1,000 vouchers for rental
5 assistance for homeless veterans in accordance with
6 section 8(o)(19)(B)(ii) of the Act: *Provided*, That in-
7 cremental vouchers made available under this para-
8 graph for nonelderly disabled families or for home-
9 less veterans shall, to the extent practicable, con-
10 tinue to be provided to such families or veterans, re-
11 spectively, upon turnover.

12 (5) \$6,494,000 shall be transferred to the
13 Working Capital Fund.

14 (6) \$1,351,000,000 for administrative and
15 other expenses of public housing agencies in admin-
16 istering the section 8 tenant-based rental assistance
17 program, of which up to \$5,000,000 shall be avail-
18 able as an incentive bonus as determined by the Sec-
19 retary for administrative expenses for public housing
20 agencies that voluntarily consolidate, and of which
21 up to \$35,000,000 shall be available to the Secretary
22 to allocate to public housing agencies that need addi-
23 tional funds to administer their section 8 programs
24 with up to \$30,000,000 for fees associated with sec-
25 tion 8 tenant protection rental assistance: *Provided*,

1 That not less than \$1,351,000,000 of the amount
2 provided in this paragraph shall be allocated for the
3 calendar year 2008 funding cycle to public housing
4 agencies on a basis as provided in section 8(q) of the
5 Act as in effect immediately before the enactment of
6 the Quality Housing and Work Responsibility Act of
7 1998 (Public Law 105–276): *Provided further*, That
8 if the amounts made available under this paragraph
9 are insufficient to pay the amounts required by this
10 paragraph, the Secretary may decrease the amounts
11 allocated to agencies by a uniform prorated percent-
12 age applicable to all agencies receiving funding
13 under this paragraph or may, to the extent nec-
14 essary to provide full payment of amounts required
15 under this paragraph, utilize unobligated balances,
16 including recaptures and carryovers, remaining from
17 funds appropriated to the Department of Housing
18 and Urban Development under this heading, the
19 heading “Annual Contributions for Assisted Hous-
20 ing”, the heading “Housing Certificate Fund”, and
21 the heading “Project-Based Rental Assistance”, for
22 fiscal year 2007 and prior years: *Provided further*,
23 That all amounts provided under this paragraph
24 shall be only for activities related to the provision of
25 tenant-based rental assistance authorized under sec-

1 tion 8 of the Act, including related development ac-
2 tivities.

3 HOUSING CERTIFICATE FUND

4 (RESCISSION)

5 Of the unobligated balances, including recaptures and
6 carryover, remaining from funds appropriated to the De-
7 partment of Housing and Urban Development under this
8 heading, the heading “Annual Contributions for Assisted
9 Housing”, the heading “Tenant-Based Rental Assist-
10 ance”, and the heading “Project-Based Rental Assist-
11 ance”, for fiscal year 2007 and prior years,
12 \$1,300,000,000 is rescinded, to be effected by the Sec-
13 retary of Housing and Urban Development no later than
14 September 30, 2008: *Provided*, That if insufficient funds
15 exist under these headings, the remaining balance may be
16 derived from any other heading under this title: *Provided*
17 *further*, That the Secretary shall notify the Committees
18 on Appropriations 30 days in advance of the rescission of
19 any funds derived from the headings specified above: *Pro-*
20 *vided further*, That any such balances governed by re-
21 allocation provisions under the statute authorizing the
22 program for which the funds were originally appropriated
23 shall be available for the rescission: *Provided further*, That
24 any obligated balances of contract authority from fiscal
25 year 1974 and prior that have been terminated shall be
26 cancelled.

PROJECT-BASED RENTAL ASSISTANCE
(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) (“the Act”), not otherwise provided for, \$6,479,810,000, to remain available until expended: *Provided*, That the amounts made available under this heading are provided as follows:

(1) Up to \$6,239,122,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) Not less than \$238,728,000 but not to exceed \$286,230,000 for performance-based contract

1 administrators for section 8 project-based assistance:
2 *Provided*, That the Secretary of Housing and Urban
3 Development may also use such amounts for per-
4 formance-based contract administrators for: interest
5 reduction payments pursuant to section 236(a) of
6 the National Housing Act (12 U.S.C. 1715z–1(a));
7 rent supplement payments pursuant to section 101
8 of the Housing and Urban Development Act of 1965
9 (12 U.S.C. 1701s); section 236(f)(2) rental assist-
10 ance payments (12 U.S.C. 1715z–1(f)(2)); project
11 rental assistance contracts for the elderly under sec-
12 tion 202(c)(2) of the Housing Act of 1959 (12
13 U.S.C. 1701q); project rental assistance contracts
14 for supportive housing for persons with disabilities
15 under section 811(d)(2) of the Cranston-Gonzalez
16 National Affordable Housing Act (42 U.S.C.
17 8013(d)(2)); project assistance contracts pursuant to
18 section 202(h) of the Housing Act of 1959 (Public
19 Law 86–372; 73 Stat. 667); and loans under section
20 202 of the Housing Act of 1959 (Public Law 86–
21 372; 73 Stat. 667).

22 (3) \$1,960,000 shall be transferred to the
23 Working Capital Fund.

24 (4) Amounts recaptured under this heading, the
25 heading “Annual Contributions for Assisted Hous-

1 ing”, or the heading “Housing Certificate Fund”
2 may be used for renewals of or amendments to sec-
3 tion 8 project-based contracts or for performance-
4 based contract administrators, notwithstanding the
5 purposes for which such amounts were appropriated.

6 PUBLIC HOUSING CAPITAL FUND
7 (INCLUDING TRANSFER OF FUNDS)

8 For the Public Housing Capital Fund Program to
9 carry out capital and management activities for public
10 housing agencies, as authorized under section 9 of the
11 United States Housing Act of 1937 (42 U.S.C. 1437g)
12 (the “Act”) \$2,438,964,000, to remain available until
13 September 30, 2011: *Provided*, That notwithstanding any
14 other provision of law or regulation, during fiscal year
15 2008 the Secretary of Housing and Urban Development
16 may not delegate to any Department official other than
17 the Deputy Secretary and the Assistant Secretary for
18 Public and Indian Housing any authority under paragraph
19 (2) of section 9(j) regarding the extension of the time peri-
20 ods under such section: *Provided further*, That for pur-
21 poses of such section 9(j), the term “obligate” means, with
22 respect to amounts, that the amounts are subject to a
23 binding agreement that will result in outlays, immediately
24 or in the future: *Provided further*, That of the total
25 amount provided under this heading, up to \$10,890,000
26 shall be for carrying out activities under section 9(h) of

1 such Act; up to \$10,000,000 shall be transferred to the
 2 Working Capital Fund; and up to \$15,345,000 shall be
 3 to support the ongoing Public Housing Financial and
 4 Physical Assessment activities of the Real Estate Assess-
 5 ment Center (REAC): *Provided further*, That no funds
 6 may be used under this heading for the purposes specified
 7 in section 9(k) of the Act: *Provided further*, That of the
 8 total amount provided under this heading, up to
 9 \$17,000,000 shall be available for the Secretary to make
 10 grants, notwithstanding section 204 of this Act, to public
 11 housing agencies for emergency capital needs resulting
 12 from unforeseen or unpreventable emergencies and nat-
 13 ural disasters occurring in fiscal year 2008: *Provided fur-*
 14 *ther*, That of the total amount provided under this head-
 15 ing, \$38,000,000 shall be for supportive services, service
 16 coordinators and congregate services as authorized by sec-
 17 tion 34 of the Act (42 U.S.C. 1437z-6) and the Native
 18 American Housing Assistance and Self-Determination Act
 19 of 1996 (25 U.S.C. 4101 et seq.): *Provided further*, That
 20 of the total amount provided under this heading up to
 21 \$8,820,000 is to support the costs of administrative and
 22 judicial receiverships.

23 PUBLIC HOUSING OPERATING FUND

24 For 2008 payments to public housing agencies for the
 25 operation and management of public housing, as author-
 26 ized by section 9(e) of the United States Housing Act of

1 1937 (42 U.S.C. 1437g(e)), \$4,200,000,000 (reduced by
 2 \$20,000,000) (increased by \$20,000,000): *Provided*, That
 3 in fiscal year 2008 and all fiscal years hereafter, no
 4 amounts under this heading in any appropriations Act
 5 may be used for payments to public housing agencies for
 6 the costs of operation and management of public housing
 7 for any year prior to the current year of such Act: *Pro-*
 8 *vided further*, That no funds may be used under this head-
 9 ing for the purposes specified in section 9(k) of the United
 10 States Housing Act of 1937.

11 REVITALIZATION OF SEVERELY DISTRESSED PUBLIC
 12 HOUSING (HOPE VI)

13 For grants to public housing agencies for demolition,
 14 site revitalization, replacement housing, and tenant-based
 15 assistance grants to projects as authorized by section 24
 16 of the United States Housing Act of 1937 (42 U.S.C.
 17 1437v) \$120,000,000, to remain available until September
 18 30, 2008, of which the Secretary of Housing and Urban
 19 Development may use up to \$2,400,000 for technical as-
 20 sistance and contract expertise, to be provided directly or
 21 indirectly by grants, contracts or cooperative agreements,
 22 including training and cost of necessary travel for partici-
 23 pants in such training, by or to officials and employees
 24 of the department and of public housing agencies and to
 25 residents: *Provided*, That none of such funds shall be used
 26 directly or indirectly by granting competitive advantage in

1 awards to settle litigation or pay judgments, unless ex-
2 pressly permitted herein.

3 NATIVE AMERICAN HOUSING BLOCK GRANTS

4 (INCLUDING TRANSFER OF FUNDS)

5 For the Native American Housing Block Grants pro-
6 gram, as authorized under title I of the Native American
7 Housing Assistance and Self-Determination Act of 1996
8 (“NAHASDA”) (25 U.S.C. 4111 et seq.), \$626,965,000,
9 to remain available until expended: *Provided*, That, not-
10 withstanding the Native American Housing Assistance
11 and Self-Determination Act of 1996, to determine the
12 amount of the allocation under title I of such Act for each
13 Indian tribe, the Secretary of Housing and Urban Devel-
14 opment shall apply the formula under section 302 of such
15 Act (25 U.S.C. 4152) with the need component based on
16 single-race Census data and with the need component
17 based on multi-race Census data, and the amount of the
18 allocation for each Indian tribe shall be the greater of the
19 two resulting allocation amounts: *Provided further*, That
20 of the amounts made available under this heading,
21 \$4,250,000 shall be to support the inspection of Indian
22 housing units, contract expertise, training, and technical
23 assistance in the training, oversight, and management of
24 such Indian housing and tenant-based assistance, includ-
25 ing up to \$300,000 for related travel: *Provided further*,
26 That of the amount provided under this heading,

1 \$1,980,000 shall be made available for the cost of guaran-
 2 teed notes and other obligations, as authorized by title VI
 3 of NAHASDA (25 U.S.C. 4191 et seq.): *Provided further*,
 4 That such costs, including the costs of modifying such
 5 notes and other obligations, shall be as defined in section
 6 502 of the Congressional Budget Act of 1974 (2 U.S.C.
 7 661a): *Provided further*, That these funds are available to
 8 subsidize the total principal amount of any notes and
 9 other obligations, any part of which is to be guaranteed,
 10 not to exceed \$17,000,000: *Provided further*, That for ad-
 11 ministrative expenses to carry out the guaranteed loan
 12 program, up to \$148,500 from amounts in the third pro-
 13 viso, which shall be transferred to and merged with the
 14 appropriation for “Salaries and Expenses”.

15 NATIVE HAWAIIAN HOUSING BLOCK GRANT

16 For the Native Hawaiian Housing Block Grant pro-
 17 gram, as authorized under title VIII of the Native Amer-
 18 ican Housing Assistance and Self-Determination Act of
 19 1996 (25 U.S.C. 4221 et seq.), \$8,727,000, to remain
 20 available until expended, of which \$299,211 shall be for
 21 training and technical assistance activities.

22 INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM

23 ACCOUNT

24 (INCLUDING TRANSFER OF FUNDS)

25 For the cost of guaranteed loans, as authorized by
 26 section 184 of the Housing and Community Development

1 Act of 1992 (12 U.S.C. 1715z–13a), \$7,450,000, to re-
 2 main available until expended: *Provided*, That such costs,
 3 including the costs of modifying such loans, shall be as
 4 defined in section 502 of the Congressional Budget Act
 5 of 1974: *Provided further*, That these funds are available
 6 to subsidize total loan principal, any part of which is to
 7 be guaranteed, up to \$367,000,000.

8 In addition, for administrative expenses to carry out
 9 the guaranteed loan program, up to \$247,500 from
 10 amounts in the first paragraph, which shall be transferred
 11 to and merged with the appropriation for “Salaries and
 12 Expenses”.

13 NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND
 14 PROGRAM ACCOUNT
 15 (INCLUDING TRANSFER OF FUNDS)

16 For the cost of guaranteed loans, as authorized by
 17 section 184A of the Housing and Community Develop-
 18 ment Act of 1992 (12 U.S.C. 1715z–13b), \$1,044,000, to
 19 remain available until expended: *Provided*, That such
 20 costs, including the costs of modifying such loans, shall
 21 be as defined in section 502 of the Congressional Budget
 22 Act of 1974: *Provided further*, That these funds are avail-
 23 able to subsidize total loan principal, any part of which
 24 is to be guaranteed, not to exceed \$41,504,255.

25 In addition, for administrative expenses to carry out
 26 the guaranteed loan program, up to \$34,650 from

1 amounts in the first paragraph, which shall be transferred
 2 to and merged with the appropriation for “Salaries and
 3 Expenses”.

4 COMMUNITY PLANNING AND DEVELOPMENT

5 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

6 (INCLUDING TRANSFER OF FUNDS)

7 For carrying out the Housing Opportunities for Per-
 8 sons with AIDS program, as authorized by the AIDS
 9 Housing Opportunity Act (42 U.S.C. 12901 et seq.),
 10 \$300,100,000, to remain available until September 30,
 11 2009, except that amounts allocated pursuant to section
 12 854(c)(3) of such Act shall remain available until Sep-
 13 tember 30, 2010: *Provided*, That the Secretary of Housing
 14 and Urban Development shall renew all expiring contracts
 15 for permanent supportive housing that were funded under
 16 section 854(c)(3) of such Act that meet all program re-
 17 quirements before awarding funds for new contracts and
 18 activities authorized under this section: *Provided further*,
 19 That the Secretary may use up to \$1,485,000 of the funds
 20 under this heading for training, oversight, and technical
 21 assistance activities; and \$1,485,000 shall be transferred
 22 to the Working Capital Fund.

23 RURAL HOUSING AND ECONOMIC DEVELOPMENT

24 For the Office of Rural Housing and Economic De-
 25 velopment in the Department of Housing and Urban De-
 26 velopment, \$16,830,000, to remain available until ex-

1 pended, which amount shall be competitively awarded by
 2 September 1, 2008, to Indian tribes, State housing finance
 3 agencies, State community and/or economic development
 4 agencies, local rural nonprofits, and community develop-
 5 ment corporations to support innovative housing and eco-
 6 nomic development activities in rural areas.

7 COMMUNITY DEVELOPMENT FUND

8 (INCLUDING TRANSFER OF FUNDS)

9 For assistance to units of State and local govern-
 10 ment, and to other entities, for economic and community
 11 development activities, and for other purposes,
 12 \$4,180,000,000, to remain available until September 30,
 13 2010, unless otherwise specified: *Provided*, That of the
 14 amount provided, \$3,929,300,000 is for carrying out the
 15 community development block grant program under title
 16 I of the Housing and Community Development Act of
 17 1974 (the “Act”) (42 U.S.C. 5301 et seq.): *Provided fur-*
 18 *ther*, That unless explicitly provided for under this heading
 19 (except for planning grants provided in the second para-
 20 graph and amounts made available under the third para-
 21 graph), not to exceed 20 percent of any grant made with
 22 funds appropriated under this heading shall be expended
 23 for planning and management development and adminis-
 24 tration: *Provided further*, That \$1,584,000 shall be trans-
 25 ferred to the Working Capital Fund: *Provided further*,
 26 That \$62,000,000 shall be for grants to Indian tribes not-

1 withstanding section 106(a)(1) of such Act, of which, not-
2 withstanding any other provision of law (including section
3 205 of this Act), up to \$3,960,000 may be used for emer-
4 gencies that constitute imminent threats to health and
5 safety.

6 Of the amount made available under this heading,
7 \$160,000,000 shall be available for grants for the Eco-
8 nomic Development Initiative to finance a variety of tar-
9 geted economic investments: *Provided*, That none of the
10 funds provided under this paragraph may be used for pro-
11 gram operations: *Provided further*, That, for fiscal years
12 2006, 2007, and 2008, no unobligated funds for EDI
13 grants may be used for any purpose except acquisition,
14 planning, design, purchase of equipment, revitalization, re-
15 development or construction.

16 Of the amount made available under this heading,
17 \$20,000,000 shall be available for neighborhood initiatives
18 that are utilized to improve the conditions of distressed
19 and blighted areas and neighborhoods, to stimulate invest-
20 ment, economic diversification, and community revitaliza-
21 tion in areas with population outmigration or a stagnating
22 or declining economic base, or to determine whether hous-
23 ing benefits can be integrated more effectively with welfare
24 reform initiatives.

1 The referenced statement of managers under this
2 heading in title II of division I of Public Law 108–447
3 is deemed to be amended with respect to item number 194
4 by striking “for costs associated with replacing the roof
5 on the historic Luckey, Platt Building” and inserting “for
6 building stabilization measures at the historic Hoffman
7 House”.

8 The statement of managers correction referenced in
9 the second paragraph under this heading in title III of
10 division A of Public Law 109–115 is deemed to be amend-
11 ed with respect to item number 846 by striking “Mahonoy
12 City, Pennsylvania for improvements to West Market
13 Street” and inserting “Mahanoy City, Pennsylvania for
14 improvements to Centre Street”.

15 The statement of managers correction referenced in
16 the second paragraph under this heading in title III of
17 division A of Public Law 109–115 is deemed to be amend-
18 ed with respect to item number 250 by striking “for ren-
19 ovation and construction of a resource center” and insert-
20 ing “for construction of a homeless shelter”.

21 The statement of managers correction referenced in
22 the second paragraph under this heading in title III of
23 division A of Public Law 109–115 is deemed to be amend-
24 ed with respect to item number 713 by striking “for con-

1 struction of a senior center” and inserting “renovation
2 and expansion of facilities”.

3 The statement of managers correction referenced in
4 the second paragraph under this heading in title III of
5 division A of Public Law 109–115 is deemed to be amend-
6 ed with respect to item number 844 by striking “Liverpool
7 Township” and inserting “Liverpool Borough”.

8 The referenced statement of managers under this
9 heading in title II of division I of Public Law 108–447
10 is deemed to be amended with respect to item number 36
11 by striking “respite care facility” and inserting “rehabili-
12 tative care facility for the developmentally disabled”.

13 The referenced statement of managers under this
14 heading in title II of division I of Public Law 108–447
15 is deemed to be amended with respect to item number 608
16 by striking “construct” and inserting “purchase and make
17 improvements to facilities for”.

18 The referenced statement of managers under this
19 heading in title II of division I of Public Law 108–447
20 is deemed to be amended with respect to item number 521
21 by striking “Missouri” and inserting “Metropolitan Statis-
22 tical Area”.

1 COMMUNITY DEVELOPMENT LOAN GUARANTEES
2 PROGRAM ACCOUNT
3 (INCLUDING TRANSFER OF FUNDS)

4 For the cost of guaranteed loans, \$2,970,000, to re-
5 main available until September 30, 2009, as authorized
6 by section 108 of the Housing and Community Develop-
7 ment Act of 1974 (42 U.S.C. 5308): *Provided*, That such
8 costs, including the cost of modifying such loans, shall be
9 as defined in section 502 of the Congressional Budget Act
10 of 1974: *Provided further*, That these funds are available
11 to subsidize total loan principal, any part of which is to
12 be guaranteed, not to exceed \$137,500,000, notwith-
13 standing any aggregate limitation on outstanding obliga-
14 tions guaranteed in section 108(k) of the Housing and
15 Community Development Act of 1974, as amended.

16 In addition, for administrative expenses to carry out
17 the guaranteed loan program, \$743,000 shall be trans-
18 ferred to and merged with the appropriation for “Salaries
19 and Expenses”.

20 BROWNFIELDS REDEVELOPMENT

21 For competitive economic development grants, as au-
22 thorized by section 108(q) of the Housing and Community
23 Development Act of 1974 (42 U.S.C. 5308(q)), for
24 Brownfields redevelopment projects, \$9,900,000, to re-
25 main available until September 30, 2009.

1 HOME INVESTMENT PARTNERSHIPS PROGRAM
2 (INCLUDING TRANSFER OF FUNDS)

3 For the HOME investment partnerships program, as
4 authorized under title II of the Cranston-Gonzalez Na-
5 tional Affordable Housing Act (42 U.S.C. 12721 et seq.),
6 \$1,757,250,000 (increased by \$6,760,000), to remain
7 available until September 30, 2010, of which \$990,000
8 shall be transferred to the Working Capital Fund: *Pro-*
9 *vided*, That up to \$9,900,000 shall be available for tech-
10 nical assistance: *Provided further*, That of the total
11 amount provided in this paragraph, up to \$41,580,000
12 (increased by \$6,760,000) shall be available for housing
13 counseling under section 106 of the Housing and Urban
14 Development Act of 1968 (12 U.S.C. 1701x).

15 SELF-HELP AND ASSISTED HOMEOWNERSHIP
16 OPPORTUNITY PROGRAM

17 For the Self-Help and Assisted Homeownership Op-
18 portunity Program, \$59,700,000, to remain available until
19 September 30, 2010: *Provided*, That of the total amount
20 provided in this heading \$27,710,000 shall be made avail-
21 able to the Self Help Homeownership Opportunity Pro-
22 gram as authorized under section 11 of the Housing Op-
23 portunity Program Extension Act of 1996 (42 U.S.C.
24 12805 note), of which up to \$990,000 is for technical as-
25 sistance, and: *Provided further*, That \$31,000,000 shall be
26 made available for capacity building, for Community De-

1 velopment and affordable Housing for the Local Initiatives
 2 Support Corporation and the Enterprise Foundation for
 3 activities authorized by section 4 of the HUD Demonstra-
 4 tion Act of 1993 (42 U.S.C. 9816 note), as in effect imme-
 5 diately before June 12, 1997.

6 HOMELESS ASSISTANCE GRANTS
 7 (INCLUDING TRANSFER OF FUNDS)

8 For the emergency shelter grants program as author-
 9 ized under subtitle B of title IV of the McKinney-Vento
 10 Homeless Assistance Act; the supportive housing program
 11 as authorized under subtitle C of title IV of such Act; the
 12 section 8 moderate rehabilitation single room occupancy
 13 program as authorized under the United States Housing
 14 Act of 1937, to assist homeless individuals pursuant to
 15 section 441 of the McKinney-Vento Homeless Assistance
 16 Act; and the shelter plus care program as authorized
 17 under subtitle F of title IV of such Act, \$1,560,990,000,
 18 of which \$1,540,990,000 shall remain available until Sep-
 19 tember 30, 2010, and of which \$20,000,000 shall remain
 20 available until expended: *Provided*, That not less than 30
 21 percent of funds made available, excluding amounts pro-
 22 vided for renewals under the shelter plus care program,
 23 shall be used for permanent housing: *Provided further*,
 24 That all funds awarded for services shall be matched by
 25 25 percent in funding by each grantee: *Provided further*,
 26 That the Secretary of Housing and Urban Development

1 shall renew on an annual basis expiring contracts or
2 amendments to contracts funded under the shelter plus
3 care program if the program is determined to be needed
4 under the applicable continuum of care and meets appro-
5 priate program requirements and financial standards, as
6 determined by the Secretary: *Provided further*, That all
7 awards of assistance under this heading shall be required
8 to coordinate and integrate homeless programs with other
9 mainstream health, social services, and employment pro-
10 grams for which homeless populations may be eligible, in-
11 cluding Medicaid, State Children's Health Insurance Pro-
12 gram, Temporary Assistance for Needy Families, Food
13 Stamps, and services funding through the Mental Health
14 and Substance Abuse Block Grant, Workforce Investment
15 Act, and the Welfare-to-Work grant program: *Provided*
16 *further*, That up to \$8,000,000 of the funds appropriated
17 under this heading shall be available for the national
18 homeless data analysis project and technical assistance:
19 *Provided further*, That \$2,475,000 of the funds appro-
20 priated under this heading shall be transferred to the
21 Working Capital Fund: *Provided further*, That all balances
22 for Shelter Plus Care renewals previously funded from the
23 Shelter Plus Care Renewal account and transferred to this
24 account shall be available, if recaptured, for Shelter Plus
25 Care renewals in fiscal year 2008.

HOUSING PROGRAMS

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959 (12 U.S.C. 1701(q)), and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, \$734,580,000, to remain available until September 30, 2011, of which up to \$603,900,000 shall be for capital advance and project-based rental assistance awards: *Provided*, That, of the amount provided under this heading, up to \$59,400,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which up to \$24,750,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary of Housing and Urban Development: *Provided further*, That of the amount made available under this heading, \$20,000,000 shall be available to the Secretary only for making competitive

1 grants to private nonprofit organizations and consumer
2 cooperatives for covering costs of architectural and engi-
3 neering work, site control, and other planning relating to
4 the development of supportive housing for the elderly that
5 is eligible for assistance under section 202 of the Housing
6 Act of 1959: *Provided further*, That amounts under this
7 heading shall be available for Real Estate Assessment
8 Center inspections and inspection-related activities associ-
9 ated with section 202 capital advance projects: *Provided*
10 *further*, That \$1,980,000 of the total amount made avail-
11 able under this heading shall be transferred to the Work-
12 ing Capital Fund: *Provided further*, That the Secretary
13 may waive the provisions of section 202 governing the
14 terms and conditions of project rental assistance, except
15 that the initial contract term for such assistance shall not
16 exceed 5 years in duration.

17 HOUSING FOR PERSONS WITH DISABILITIES

18 (INCLUDING TRANSFER OF FUNDS)

19 For capital advance contracts, including amendments
20 to capital advance contracts, for supportive housing for
21 persons with disabilities, as authorized by section 811 of
22 the Cranston-Gonzalez National Affordable Housing Act
23 (42 U.S.C. 8013), for project rental assistance for sup-
24 portive housing for persons with disabilities under section
25 811(d)(2) of such Act, including amendments to contracts
26 for such assistance and renewal of expiring contracts for

1 such assistance for up to a 1-year term, and for supportive
2 services associated with the housing for persons with dis-
3 abilities as authorized by section 811(b)(1) of such Act,
4 and for tenant-based rental assistance contracts entered
5 into pursuant to section 811 of such Act, \$236,610,000
6 to remain available until September 30, 2011: *Provided*,
7 That \$990,000 shall be transferred to the Working Cap-
8 ital Fund: *Provided further*, That, of the amount provided
9 under this heading \$74,745,000 shall be for amendments
10 or renewal of tenant-based assistance contracts entered
11 into prior to fiscal year 2005 (only one amendment au-
12 thorized for any such contract): *Provided further*, That all
13 tenant-based assistance made available under this heading
14 shall continue to remain available only to persons with dis-
15 abilities: *Provided further*, That the Secretary of Housing
16 and Urban Development may waive the provisions of sec-
17 tion 811 governing the terms and conditions of project
18 rental assistance and tenant-based assistance, except that
19 the initial contract term for such assistance shall not ex-
20 ceed 5 years in duration: *Provided further*, That amounts
21 made available under this heading shall be available for
22 Real Estate Assessment Center Inspections and inspec-
23 tion-related activities associated with section 811 Capital
24 Advance Projects.

1 OTHER ASSISTED HOUSING PROGRAMS

2 RENTAL HOUSING ASSISTANCE

3 For amendments to contracts under section 101 of
4 the Housing and Urban Development Act of 1965 (12
5 U.S.C. 1701s) and section 236(f)(2) of the National
6 Housing Act (12 U.S.C. 1715z–1(f)(2)) in State-aided,
7 non-insured rental housing projects, \$27,600,000, to re-
8 main available until expended.

9 RENT SUPPLEMENT

10 (RESCISSION)

11 Of the amounts made available under the heading
12 “Rent Supplement” in Public Law 98–63 for amendments
13 to contracts under section 101 of the Housing and Urban
14 Development Act of 1965 (12 U.S.C. 1701s) and section
15 236(f)(2) of the National Housing Act (12 U.S.C. 1715z–
16 1) in State-aided, non-insured rental housing projects,
17 \$27,600,000 is rescinded.

18 FLEXIBLE SUBSIDY FUND

19 (TRANSFER OF FUNDS)

20 From the Rental Housing Assistance Fund, all un-
21 committed balances of excess rental charges as of Sep-
22 tember 30, 2007, and any collections made during fiscal
23 year 2008 and all subsequent fiscal years, shall be trans-
24 ferred to the Flexible Subsidy Fund, as authorized by sec-
25 tion 236(g) of the National Housing Act.

1 MANUFACTURED HOUSING FEES TRUST FUND

2 For necessary expenses as authorized by the National
3 Manufactured Housing Construction and Safety Stand-
4 ards Act of 1974 (42 U.S.C. 5401 et seq.), up to
5 \$16,000,000, to remain available until expended, to be de-
6 rived from the Manufactured Housing Fees Trust Fund:
7 *Provided*, That not to exceed the total amount appro-
8 priated under this heading shall be available from the gen-
9 eral fund of the Treasury to the extent necessary to incur
10 obligations and make expenditures pending the receipt of
11 collections to the Fund pursuant to section 620 of such
12 Act: *Provided further*, That the amount made available
13 under this heading from the general fund shall be reduced
14 as such collections are received during fiscal year 2008
15 so as to result in a final fiscal year 2008 appropriation
16 from the general fund estimated at not more than \$0 and
17 fees pursuant to such section 620 shall be modified as nec-
18 essary to ensure such a final fiscal year 2008 appropria-
19 tion: *Provided further*, That for the dispute resolution and
20 installation programs, the Secretary of Housing and
21 Urban Development may assess and collect fees from any
22 program participant: *Provided further*, That such collec-
23 tions shall be deposited into the Fund, and the Secretary,
24 as provided herein, may use such collections, as well as
25 fees collected under section 620, for necessary expenses

1 of such Act: *Provided further*, That notwithstanding the
2 requirements of section 620 of such Act, the Secretary
3 may carry out responsibilities of the Secretary under such
4 Act through the use of approved service providers that are
5 paid directly by the recipients of their services.

6 FEDERAL HOUSING ADMINISTRATION

7 MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

8 (INCLUDING TRANSFERS OF FUNDS)

9 During fiscal year 2008, commitments to guarantee
10 loans to carry out the purposes of section 203(b) of the
11 National Housing Act, as amended, shall not exceed a loan
12 principal of \$185,000,000,000.

13 During fiscal year 2008, obligations to make direct
14 loans to carry out the purposes of section 204(g) of the
15 National Housing Act (12 U.S.C. 1709), shall not exceed
16 \$50,000,000: *Provided*, That the foregoing amount shall
17 be for loans to nonprofit and governmental entities in con-
18 nection with sales of single family real properties owned
19 by the Secretary and formerly insured under the Mutual
20 Mortgage Insurance Fund.

21 For administrative expenses necessary to carry out
22 the guaranteed and direct loan program, \$351,450,000,
23 of which not to exceed \$347,490,000 shall be transferred
24 to the appropriation for “Salaries and Expenses”; and not
25 to exceed \$3,960,000 shall be transferred to the appro-
26 priation for “Office of Inspector General”. In addition, for

1 administrative contract expenses, \$77,400,000, of which
 2 \$25,550,000 shall be transferred to the Working Capital
 3 Fund, and of which up to \$5,000,000 shall be for edu-
 4 cation and outreach of FHA single family loan products:
 5 *Provided*, That to the extent guaranteed loan commit-
 6 ments exceed \$65,500,000,000 on or before April 1, 2008,
 7 an additional \$1,400 for administrative contract expenses
 8 shall be available for each \$1,000,000 in additional guar-
 9 anteed loan commitments (including a pro rata amount
 10 for any amount below \$1,000,000), but in no case shall
 11 funds made available by this proviso exceed \$30,000,000.

12 GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

13 (INCLUDING TRANSFERS OF FUNDS)

14 For the cost of guaranteed loans, as authorized by
 15 sections 238 and 519 of the National Housing Act (12
 16 U.S.C. 1715z-3 and 1735c), including the cost of loan
 17 guarantee modifications, as that term is defined in section
 18 502 of the Congressional Budget Act of 1974, \$8,712,000,
 19 to remain available until expended: *Provided*, That com-
 20 mitments to guarantee loans shall not exceed
 21 \$45,000,000,000 in total loan principal, any part of which
 22 is to be guaranteed.

23 Gross obligations for the principal amount of direct
 24 loans, as authorized by sections 204(g), 207(l), 238, and
 25 519(a) of the National Housing Act, shall not exceed
 26 \$50,000,000, of which not to exceed \$30,000,000 shall be

1 for bridge financing in connection with the sale of multi-
2 family real properties owned by the Secretary of Housing
3 and Urban Development and formerly insured under such
4 Act; and of which not to exceed \$20,000,000 shall be for
5 loans to nonprofit and governmental entities in connection
6 with the sale of single-family real properties owned by the
7 Secretary and formerly insured under such Act.

8 In addition, for administrative expenses necessary to
9 carry out the guaranteed and direct loan programs,
10 \$229,086,000, of which \$209,286,000 shall be transferred
11 to the appropriation for “Salaries and Expenses”; and of
12 which \$19,800,000 shall be transferred to the appropria-
13 tion for “Office of Inspector General”.

14 In addition, for administrative contract expenses nec-
15 essary to carry out the guaranteed and direct loan pro-
16 grams, \$78,111,000, of which \$15,692,000 shall be trans-
17 ferred to the Working Capital Fund: *Provided*, That to
18 the extent guaranteed loan commitments exceed
19 \$8,426,000,000 on or before April 1, 2008, an additional
20 \$1,980 for administrative contract expenses shall be avail-
21 able for each \$1,000,000 in additional guaranteed loan
22 commitments over \$8,426,000,000 (including a pro rata
23 amount for any increment below \$1,000,000), but in no
24 case shall funds made available by this proviso exceed
25 \$14,400,000.

1 GOVERNMENT NATIONAL MORTGAGE ASSOCIATION
2 GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN
3 GUARANTEE PROGRAM ACCOUNT
4 (INCLUDING TRANSFER OF FUNDS)

5 New commitments to issue guarantees to carry out
6 the purposes of section 306 of the National Housing Act,
7 as amended (12 U.S.C. 1721(g)), shall not exceed
8 \$200,000,000,000, to remain available until September
9 30, 2009.

10 For administrative expenses necessary to carry out
11 the guaranteed mortgage-backed securities program,
12 \$10,700,000, to be derived from the GNMA guarantees
13 of mortgage-backed securities guaranteed loan receipt ac-
14 count, of which not to exceed \$10,700,000, shall be trans-
15 ferred to the appropriation for “Salaries and Expenses”.

16 POLICY DEVELOPMENT AND RESEARCH
17 RESEARCH AND TECHNOLOGY

18 For contracts, grants, and necessary expenses of pro-
19 grams of research and studies relating to housing and
20 urban problems, not otherwise provided for, as authorized
21 by title V of the Housing and Urban Development Act
22 of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying
23 out the functions of the Secretary of Housing and Urban
24 Development under section 1(a)(1)(i) of Reorganization
25 Plan No. 2 of 1968, \$58,087,000, to remain available
26 until September 30, 2009: *Provided*, That of the total

1 amount provided under this heading, \$5,000,000 shall be
 2 for the Partnership for Advancing Technology in Housing
 3 Initiative: *Provided further*, That of the funds made avail-
 4 able under this heading, \$22,394,000 is for grants pursu-
 5 ant to section 107 of the Housing and Community Devel-
 6 opment Act of 1974 (42 U.S.C. 5307): *Provided further*,
 7 That activities for the Partnership for Advancing Tech-
 8 nology in Housing Initiative shall be administered by the
 9 Office of Policy Development and Research.

10 FAIR HOUSING AND EQUAL OPPORTUNITY

11 FAIR HOUSING ACTIVITIES

12 For contracts, grants, and other assistance, not oth-
 13 erwise provided for, as authorized by title VIII of the Civil
 14 Rights Act of 1968, as amended by the Fair Housing
 15 Amendments Act of 1988, and section 561 of the Housing
 16 and Community Development Act of 1987, \$45,540,000,
 17 to remain available until September 30, 2009, of which
 18 \$20,180,000 shall be to carry out activities pursuant to
 19 such section 561: *Provided*, That notwithstanding 31
 20 U.S.C. 3302, the Secretary of Housing and Urban Devel-
 21 opment may assess and collect fees to cover the costs of
 22 the Fair Housing Training Academy, and may use such
 23 funds to provide such training: *Provided further*, That no
 24 funds made available under this heading shall be used to
 25 lobby the executive or legislative branches of the Federal

1 Government in connection with a specific contract, grant
2 or loan.

3 OFFICE OF LEAD HAZARD CONTROL

4 LEAD HAZARD REDUCTION

5 For the Lead Hazard Reduction Program, as author-
6 ized by section 1011 of the Residential Lead-Based Paint
7 Hazard Reduction Act of 1992 (42 U.S.C. 4852),
8 \$130,000,000, to remain available until September 30,
9 2009, of which \$8,712,000 shall be for the Healthy Homes
10 Initiative, pursuant to sections 501 and 502 of the Hous-
11 ing and Urban Development Act of 1970 that shall include
12 research, studies, testing, and demonstration efforts, in-
13 cluding education and outreach concerning lead-based
14 paint poisoning and other housing-related diseases and
15 hazards: *Provided*, That for purposes of environmental re-
16 view, pursuant to the National Environmental Policy Act
17 of 1969 (42 U.S.C. 4321 et seq.) and other provisions of
18 law that further the purposes of such Act, a grant under
19 the Healthy Homes Initiative, Operation Lead Elimination
20 Action Plan, or the Lead Technical Studies program
21 under this heading or under prior appropriations Acts for
22 such purposes under this heading, shall be considered to
23 be funds for a special project for purposes of section
24 305(c) of the Multifamily Housing Property Disposition
25 Reform Act of 1994 (42 U.S.C. 3547): *Provided further*,

1 That of the total amount made available under this head-
2 ing, \$48,000,000 shall be made available on a competitive
3 basis for areas with the highest lead paint abatement
4 needs, as identified by the Secretary of Housing and
5 Urban Development as having: (1) the highest number of
6 occupied pre-1940 units of rental housing; and (2) a dis-
7 proportionately high number of documented cases of lead-
8 poisoned children: *Provided further*, That each grantee re-
9 ceiving funds under the previous proviso shall target those
10 privately owned units and multifamily buildings that are
11 occupied by low-income families as defined under section
12 3(b)(2) of the United States Housing Act of 1937: *Pro-*
13 *vided further*, That not less than 90 percent of the funds
14 made available under this paragraph shall be used exclu-
15 sively for abatement, inspections, risk assessments, tem-
16 porary relocations and interim control of lead-based haz-
17 ards as defined by 42 U.S.C. 4851: *Provided further*, That
18 each recipient of funds provided under the first proviso
19 shall make a matching contribution in an amount not less
20 than 25 percent: *Provided further*, That each applicant
21 shall submit a detailed plan and strategy that dem-
22 onstrates adequate capacity that is acceptable to the Sec-
23 retary to carry out the proposed use of funds pursuant
24 to a notice of funding availability.

1 MANAGEMENT AND ADMINISTRATION

2 SALARIES AND EXPENSES

3 (INCLUDING TRANSFER OF FUNDS)

4 For necessary administrative and non-administrative
5 expenses of the Department of Housing and Urban Devel-
6 opment, not otherwise provided for, including purchase of
7 uniforms, or allowances therefore, as authorized by 5
8 U.S.C. 5901–5902; hire of passenger motor vehicles; serv-
9 ices as authorized by 5 U.S.C. 3109; and not to exceed
10 \$25,000 for official reception and representation expenses,
11 \$1,211,379,650, of which \$556,776,000 shall be provided
12 from the various funds of the Federal Housing Adminis-
13 tration, \$10,700,000 shall be provided from funds of the
14 Government National Mortgage Association, \$743,000
15 shall be from the “Community Development Loan Guar-
16 antee Program” account, \$148,500 shall be provided by
17 transfer from the “Native American Housing Block
18 Grants” account, \$247,500 shall be provided by transfer
19 from the “Indian Housing Loan Guarantee Fund Pro-
20 gram” account, and \$34,650 shall be transferred from the
21 “Native Hawaiian housing loan guarantee fund” account:
22 *Provided*, That no official or employee of the Department
23 shall be designated as an allotment holder unless the Of-
24 fice of the Chief Financial Officer has determined that
25 such allotment holder has implemented an adequate sys-
26 tem of funds control and has received training in funds

1 control procedures and directives: *Provided further*, That
2 the Chief Financial Officer shall establish positive control
3 of and maintain adequate systems of accounting for ap-
4 propriations and other available funds as required by 31
5 U.S.C. 1514: *Provided further*, That for purposes of funds
6 control and determining whether a violation exists under
7 the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the
8 point of obligation shall be the executed agreement or con-
9 tract, except with respect to insurance and guarantee pro-
10 grams, certain types of salaries and expenses funding, and
11 incremental funding that is authorized under an executed
12 agreement or contract, and shall be designated in the ap-
13 proved funds control plan: *Provided further*, That the
14 Chief Financial Officer shall: (1) appoint qualified per-
15 sonnel to conduct investigations of potential or actual vio-
16 lations; (2) establish minimum training requirements and
17 other qualifications for personnel that may be appointed
18 to conduct investigations; (3) establish guidelines and
19 timeframes for the conduct and completion of investiga-
20 tions; (4) prescribe the content, format and other require-
21 ments for the submission of final reports on violations;
22 and (5) prescribe such additional policies and procedures
23 as may be required for conducting investigations of, and
24 administering, processing, and reporting on, potential and
25 actual violations of the Anti-Deficiency Act and all other

1 statutes and regulations governing the obligation and ex-
2 penditure of funds made available in this or any other Act:
3 *Provided further*, That up to \$15,000,000 may be trans-
4 ferred to the Working Capital Fund: *Provided further*,
5 That the Secretary shall fill 7 out of 10 vacancies at the
6 GS-14 and GS-15 levels until the total number of GS-
7 14 and GS-15 positions in the Department has been re-
8 duced from the number of GS-14 and GS-15 positions
9 on the date of enactment of Public Law 106-377 by 2½
10 percent.

11 WORKING CAPITAL FUND

12 For additional capital for the Working Capital Fund
13 (42 U.S.C. 3535) for the development of, modifications
14 to, and infrastructure for Department-wide information
15 technology systems, for the continuing operation and
16 maintenance of both Department-wide and program-spe-
17 cific information systems, and for program-related devel-
18 opment activities, \$125,000,000, to remain available until
19 September 30, 2009: *Provided*, That any amounts trans-
20 ferred to this Fund under this Act shall remain available
21 until expended: *Provided further*, That any amounts trans-
22 ferred to this Fund from amounts appropriated by pre-
23 viously enacted appropriations Acts or from within this
24 Act may be used only for the purposes specified under this
25 Fund, in addition to the purposes for which such amounts
26 were appropriated.

1 OFFICE OF INSPECTOR GENERAL
2 (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses of the Office of Inspector
4 General in carrying out the Inspector General Act of 1978,
5 \$113,760,000 (reduced by \$6,760,000), of which
6 \$23,760,000 shall be provided from the various funds of
7 the Federal Housing Administration: *Provided*, That the
8 Inspector General shall have independent authority over
9 all personnel issues within this office.

10 OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT
11 SALARIES AND EXPENSES
12 (INCLUDING TRANSFER OF FUNDS)

13 For carrying out the Federal Housing Enterprises
14 Financial Safety and Soundness Act of 1992, including
15 not to exceed \$500 for official reception and representa-
16 tion expenses, \$66,000,000, to remain available until ex-
17 pended, to be derived from the Federal Housing Enter-
18 prises Oversight Fund: *Provided*, That the Director shall
19 submit a spending plan for the amounts provided under
20 this heading no later than January 15, 2008: *Provided*
21 *further*, That not less than 80 percent of the total amount
22 made available under this heading shall be used only for
23 examination, supervision, and capital oversight of the en-
24 terprises (as such term is defined in section 1303 of the
25 Federal Housing Enterprises Financial Safety and Sound-
26 ness Act of 1992 (12 U.S.C. 4502)) to ensure that the

1 enterprises are operating in a financially safe and sound
2 manner and complying with the capital requirements
3 under subtitle B of such Act: *Provided further*, That not
4 to exceed the amount provided herein shall be available
5 from the general fund of the Treasury to the extent nec-
6 essary to incur obligations and make expenditures pending
7 the receipt of collections to the Fund: *Provided further*,
8 That the general fund amount shall be reduced as collec-
9 tions are received during the fiscal year so as to result
10 in a final appropriation from the general fund estimated
11 at not more than \$0.

12 GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND
13 URBAN DEVELOPMENT

14 SEC. 201. Fifty percent of the amounts of budget au-
15 thority, or in lieu thereof 50 percent of the cash amounts
16 associated with such budget authority, that are recaptured
17 from projects described in section 1012(a) of the Stewart
18 B. McKinney Homeless Assistance Amendments Act of
19 1988 (42 U.S.C. 1437 note) shall be rescinded or in the
20 case of cash, shall be remitted to the Treasury, and such
21 amounts of budget authority or cash recaptured and not
22 rescinded or remitted to the Treasury shall be used by
23 State housing finance agencies or local governments or
24 local housing agencies with projects approved by the Sec-
25 retary of Housing and Urban Development for which set-

1 tlement occurred after January 1, 1992, in accordance
2 with such section. Notwithstanding the previous sentence,
3 the Secretary may award up to 15 percent of the budget
4 authority or cash recaptured and not rescinded or remitted
5 to the Treasury to provide project owners with incentives
6 to refinance their project at a lower interest rate.

7 SEC. 202. None of the amounts made available under
8 this Act may be used during fiscal year 2008 to investigate
9 or prosecute under the Fair Housing Act any otherwise
10 lawful activity engaged in by one or more persons, includ-
11 ing the filing or maintaining of a non-frivolous legal ac-
12 tion, that is engaged in solely for the purpose of achieving
13 or preventing action by a Government official or entity,
14 or a court of competent jurisdiction.

15 SEC. 203. (a) Notwithstanding section 854(c)(1)(A)
16 of the AIDS Housing Opportunity Act (42 U.S.C.
17 12903(c)(1)(A)), from any amounts made available under
18 this title for fiscal year 2008 that are allocated under such
19 section, the Secretary of Housing and Urban Development
20 shall allocate and make a grant, in the amount determined
21 under subsection (b), for any State that—

22 (1) received an allocation in a prior fiscal year
23 under clause (ii) of such section; and

24 (2) is not otherwise eligible for an allocation for
25 fiscal year 2008 under such clause (ii) because the

1 areas in the State outside of the metropolitan statis-
2 tical areas that qualify under clause (i) in fiscal year
3 2008 do not have the number of cases of acquired
4 immunodeficiency syndrome (AIDS) required under
5 such clause.

6 (b) The amount of the allocation and grant for any
7 State described in subsection (a) shall be an amount based
8 on the cumulative number of AIDS cases in the areas of
9 that State that are outside of metropolitan statistical
10 areas that qualify under clause (i) of such section
11 854(c)(1)(A) in fiscal year 2008, in proportion to AIDS
12 cases among cities and States that qualify under clauses
13 (i) and (ii) of such section and States deemed eligible
14 under subsection (a).

15 (c) Notwithstanding any other provision of law, the
16 amount allocated for fiscal year 2008 under section 854(c)
17 of the AIDS Housing Opportunity Act (42 U.S.C.
18 12903(c)), to the City of New York, New York, on behalf
19 of the New York-Wayne-White Plains, New York-New
20 Jersey Metropolitan Division (hereafter “metropolitan di-
21 vision”) of the New York-Newark-Edison, NY–NJ–PA
22 Metropolitan Statistical Area, shall be adjusted by the
23 Secretary of Housing and Urban Development by: (1) allo-
24 cating to the City of Jersey City, New Jersey, the propor-
25 tion of the metropolitan area’s or division’s amount that

1 is based on the number of cases of AIDS reported in the
2 portion of the metropolitan area or division that is located
3 in Hudson County, New Jersey, and adjusting for the pro-
4 portion of the metropolitan division's high incidence bonus
5 if this area in New Jersey also has a higher than average
6 per capita incidence of AIDS; and (2) allocating to the
7 City of Paterson, New Jersey, the proportion of the metro-
8 politan area's or division's amount that is based on the
9 number of cases of AIDS reported in the portion of the
10 metropolitan area or division that is located in Bergen
11 County and Passaic County, New Jersey, and adjusting
12 for the proportion of the metropolitan division's high inci-
13 dence bonus if this area in New Jersey also has a higher
14 than average per capita incidence of AIDS. The recipient
15 cities shall use amounts allocated under this subsection
16 to carry out eligible activities under section 855 of the
17 AIDS Housing Opportunity Act (42 U.S.C. 12904) in
18 their respective portions of the metropolitan division that
19 is located in New Jersey.

20 (d) Notwithstanding any other provision of law, the
21 amount allocated for fiscal year 2008 under section 854(c)
22 of the AIDS Housing Opportunity Act (42 U.S.C.
23 12903(c)) to areas with a higher than average per capita
24 incidence of AIDS, shall be adjusted by the Secretary on
25 the basis of area incidence reported over a 3-year period.

1 SEC. 204. Except as explicitly provided in law, any
2 grant, cooperative agreement or other assistance made
3 pursuant to title II of this Act shall be made on a competi-
4 tive basis and in accordance with section 102 of the De-
5 partment of Housing and Urban Development Reform Act
6 of 1989 (42 U.S.C. 3545).

7 SEC. 205. Funds of the Department of Housing and
8 Urban Development subject to the Government Corpora-
9 tion Control Act or section 402 of the Housing Act of
10 1950 shall be available, without regard to the limitations
11 on administrative expenses, for legal services on a contract
12 or fee basis, and for utilizing and making payment for
13 services and facilities of the Federal National Mortgage
14 Association, Government National Mortgage Association,
15 Federal Home Loan Mortgage Corporation, Federal Fi-
16 nancing Bank, Federal Reserve banks or any member
17 thereof, Federal Home Loan banks, and any insured bank
18 within the meaning of the Federal Deposit Insurance Cor-
19 poration Act (12 U.S.C. 1811 et seq.).

20 SEC. 206. Unless otherwise provided for in this Act
21 or through a reprogramming of funds, no part of any ap-
22 propriation for the Department of Housing and Urban
23 Development shall be available for any program, project
24 or activity in excess of amounts set forth in the budget
25 estimates submitted to Congress.

1 SEC. 207. Corporations and agencies of the Depart-
2 ment of Housing and Urban Development which are sub-
3 ject to the Government Corporation Control Act, are here-
4 by authorized to make such expenditures, within the limits
5 of funds and borrowing authority available to each such
6 corporation or agency and in accordance with law, and to
7 make such contracts and commitments without regard to
8 fiscal year limitations as provided by section 104 of such
9 Act as may be necessary in carrying out the programs set
10 forth in the budget for 2008 for such corporation or agen-
11 cy except as hereinafter provided: *Provided*, That collec-
12 tions of these corporations and agencies may be used for
13 new loan or mortgage purchase commitments only to the
14 extent expressly provided for in this Act (unless such loans
15 are in support of other forms of assistance provided for
16 in this or prior appropriations Acts), except that this pro-
17 viso shall not apply to the mortgage insurance or guaranty
18 operations of these corporations, or where loans or mort-
19 gage purchases are necessary to protect the financial in-
20 terest of the United States Government.

21 SEC. 208. None of the funds provided in this title
22 for technical assistance, training, or management improve-
23 ments may be obligated or expended unless the Secretary
24 of Housing and Urban Development provides to the Com-
25 mittees on Appropriations a description of each proposed

1 activity and a detailed budget estimate of the costs associ-
2 ated with each program, project or activity as part of the
3 Budget Justifications. For fiscal year 2008, the Secretary
4 shall transmit this information to the Committees by
5 March 15, 2008 for 30 days of review.

6 SEC. 209. The Secretary of Housing and Urban De-
7 velopment shall provide quarterly reports to the House
8 and Senate Committees on Appropriations regarding all
9 uncommitted, unobligated, recaptured and excess funds in
10 each program and activity within the jurisdiction of the
11 Department and shall submit additional, updated budget
12 information to these Committees upon request.

13 SEC. 210. (a) Notwithstanding any other provision
14 of law, the amount allocated for fiscal year 2008 under
15 section 854(c) of the AIDS Housing Opportunity Act (42
16 U.S.C. 12903(c)), to the City of Wilmington, Delaware,
17 on behalf of the Wilmington, Delaware-Maryland-New
18 Jersey Metropolitan Division (“metropolitan division”),
19 shall be adjusted by the Secretary of Housing and Urban
20 Development by allocating to the State of New Jersey the
21 proportion of the metropolitan division’s amount that is
22 based on the number of cases of AIDS reported in the
23 portion of the metropolitan division that is located in New
24 Jersey, and adjusting for the proportion of the metropoli-
25 tan division’s high incidence bonus if this area in New Jer-

1 sey also has a higher than average per capita incidence
2 of AIDS. The State of New Jersey shall use amounts allo-
3 cated to the State under this subsection to carry out eligi-
4 ble activities under section 855 of the AIDS Housing Op-
5 portunity Act (42 U.S.C. 12904) in the portion of the met-
6 ropolitan division that is located in New Jersey.

7 (b) Notwithstanding any other provision of law, the
8 Secretary of Housing and Urban Development shall allo-
9 cate to Wake County, North Carolina, the amounts that
10 otherwise would be allocated for fiscal year 2008 under
11 section 854(c) of the AIDS Housing Opportunity Act (42
12 U.S.C. 12903(c)) to the City of Raleigh, North Carolina,
13 on behalf of the Raleigh-Cary, North Carolina Metropoli-
14 tan Statistical Area. Any amounts allocated to Wake
15 County shall be used to carry out eligible activities under
16 section 855 of such Act (42 U.S.C. 12904) within such
17 metropolitan statistical area.

18 (c) Notwithstanding section 854(c) of the AIDS
19 Housing Opportunity Act (42 U.S.C. 12903(c)), the Sec-
20 retary of Housing and Urban Development may adjust the
21 allocation of the amounts that otherwise would be allo-
22 cated for fiscal year 2008 under section 854(c) of such
23 Act, upon the written request of an applicant, in conjunc-
24 tion with the State(s), for a formula allocation on behalf
25 of a metropolitan statistical area, to designate the State

1 or States in which the metropolitan statistical area is lo-
2 cated as the eligible grantee(s) of the allocation. In the
3 case that a metropolitan statistical area involves more
4 than one State, such amounts allocated to each State shall
5 be in proportion to the number of cases of AIDS reported
6 in the portion of the metropolitan statistical area located
7 in that State. Any amounts allocated to a State under this
8 section shall be used to carry out eligible activities within
9 the portion of the metropolitan statistical area located in
10 that State.

11 SEC. 211. The Secretary of Housing and Urban De-
12 velopment shall submit an annual report no later than Au-
13 gust 30, 2008 and annually thereafter to the House and
14 Senate Committees on Appropriations regarding the num-
15 ber of federally assisted units under lease and the per unit
16 cost of these units to the Department of Housing and
17 Urban Development.

18 SEC. 212. The Department of Housing and Urban
19 Development shall submit the Department's fiscal year
20 2009 congressional budget justifications to the Commit-
21 tees on Appropriations of the House of Representatives
22 and the Senate using the identical structure provided
23 under this Act and only in accordance with the direction
24 specified in the report accompanying this Act.

1 SEC. 213. Incremental vouchers previously made
2 available under the heading “Housing Certificate Fund”
3 or renewed under the heading, “Tenant-Based Rental As-
4 sistance,” for non-elderly disabled families shall, to the ex-
5 tent practicable, continue to be provided to non-elderly dis-
6 abled families upon turnover.

7 SEC. 214. A public housing agency or such other enti-
8 ty that administers Federal housing assistance in the
9 States of Alaska, Iowa, and Mississippi shall not be re-
10 quired to include a resident of public housing or a recipi-
11 ent of assistance provided under section 8 of the United
12 States Housing Act of 1937 on the board of directors or
13 a similar governing board of such agency or entity as re-
14 quired under section (2)(b) of such Act. Each public hous-
15 ing agency or other entity that administers Federal hous-
16 ing assistance under section 8 in the States of Alaska,
17 Iowa, and Mississippi shall establish an advisory board of
18 not less than 6 residents of public housing or recipients
19 of section 8 assistance to provide advice and comment to
20 the public housing agency or other administering entity
21 on issues related to public housing and section 8. Such
22 advisory board shall meet not less than quarterly.

23 SEC. 215. (a) Notwithstanding any other provision
24 of law, subject to the conditions listed in subsection (b),
25 for fiscal years 2008 and 2009, the Secretary of Housing

1 and Urban Development may authorize the transfer of
2 project-based assistance, debt and statutorily required
3 low-income and very low-income use restrictions, associ-
4 ated with one multifamily housing project to another mul-
5 tifamily housing project.

6 (b) The transfer authorized in subsection (a) is sub-
7 ject to the following conditions—

8 (1) the number of low-income and very low-in-
9 come units and the net dollar amount of Federal as-
10 sistance provided by the transferring project shall
11 remain the same in the receiving project;

12 (2) the transferring project shall, as determined
13 by the Secretary, be either physically obsolete or eco-
14 nomically non-viable;

15 (3) the receiving project shall meet or exceed
16 applicable physical standards established by the Sec-
17 retary;

18 (4) the owner or mortgagor of the transferring
19 project shall notify and consult with the tenants re-
20 siding in the transferring project and provide a cer-
21 tification of approval by all appropriate local govern-
22 mental officials;

23 (5) the tenants of the transferring project who
24 remain eligible for assistance to be provided by the
25 receiving project shall not be required to vacate their

1 units in the transferring project until new units in
2 the receiving project are available for occupancy;

3 (6) the Secretary determines that this transfer
4 is in the best interest of the tenants;

5 (7) if either the transferring project or the re-
6 ceiving project meets the condition specified in sub-
7 section (c)(2)(A), any lien on the receiving project
8 resulting from additional financing obtained by the
9 owner shall be subordinate to any FHA-insured
10 mortgage lien transferred to, or placed on, such
11 project by the Secretary;

12 (8) if the transferring project meets the re-
13 quirements of subsection (c)(2)(E), the owner or
14 mortgagor of the receiving project shall execute and
15 record either a continuation of the existing use
16 agreement or a new use agreement for the project
17 where, in either case, any use restrictions in such
18 agreement are of no lesser duration than the exist-
19 ing use restrictions;

20 (9) any financial risk to the FHA General and
21 Special Risk Insurance Fund, as determined by the
22 Secretary, would be reduced as a result of a transfer
23 completed under this section; and

1 (10) the Secretary determines that Federal li-
2 ability with regard to this project will not be in-
3 creased.

4 (c) For purposes of this section—

5 (1) the terms “low-income” and “very low-in-
6 come” shall have the meanings provided by the stat-
7 ute and/or regulations governing the program under
8 which the project is insured or assisted;

9 (2) the term “multifamily housing project”
10 means housing that meets one of the following con-
11 ditions—

12 (A) housing that is subject to a mortgage
13 insured under the National Housing Act;

14 (B) housing that has project-based assist-
15 ance attached to the structure;

16 (C) housing that is assisted under section
17 202 of the Housing Act of 1959 as amended by
18 section 801 of the Cranston-Gonzales National
19 Affordable Housing Act;

20 (D) housing that is assisted under section
21 202 of the Housing Act of 1959, as such sec-
22 tion existed before the enactment of the Cran-
23 ston-Gonzales National Affordable Housing Act;
24 or

1 (E) housing or vacant land that is subject
2 to a use agreement;

3 (3) the term “project-based assistance”
4 means—

5 (A) assistance provided under section 8(b)
6 of the United States Housing Act of 1937;

7 (B) assistance for housing constructed or
8 substantially rehabilitated pursuant to assist-
9 ance provided under section 8(b)(2) of such Act
10 (as such section existed immediately before Oc-
11 tober 1, 1983);

12 (C) rent supplement payments under sec-
13 tion 101 of the Housing and Urban Develop-
14 ment Act of 1965;

15 (D) additional assistance payments under
16 section 236(f)(2) of the National Housing Act;
17 and

18 (E) assistance payments made under sec-
19 tion 202(c)(2) of the Housing Act of 1959;

20 (4) the term “receiving project” means the mul-
21 tifamily housing project to which the project-based
22 assistance, debt, and statutorily required use low-in-
23 come and very low-income restrictions are to be
24 transferred;

1 (5) the term “transferring project” means the
2 multifamily housing project which is transferring the
3 project-based assistance, debt and the statutorily re-
4 quired low-income and very low-income use restric-
5 tions to the receiving project; and

6 (6) the term “Secretary” means the Secretary
7 of Housing and Urban Development.

8 SEC. 216. The funds made available for Native Alas-
9 kans under the heading “Native American Housing Block
10 Grants” in title III of this Act shall be allocated to the
11 same Native Alaskan housing block grant recipients that
12 received funds in fiscal year 2005.

13 SEC. 217. Incremental vouchers previously made
14 available under the heading, “Housing Certificate Fund”
15 or renewed under the heading, “Tenant-Based Rental As-
16 sistance”, for family unification shall, to the extent prac-
17 ticable, continue to be provided for family unification.

18 SEC. 218. None of the funds appropriated or other-
19 wise made available by this Act or any other Act may be
20 used to develop or impose policies or procedures, including
21 an account structure, that subjects the Government Na-
22 tional Mortgage Association to the requirements of the
23 Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).
24 This section shall not be construed to exempt that entity

1 from credit subsidy budgeting or from budget presentation
2 requirements previously adopted.

3 SEC. 219. (a) No assistance shall be provided under
4 section 8 of the United States Housing Act of 1937 (42
5 U.S.C. 1437f) to any individual who—

6 (1) is enrolled as a student at an institution of
7 higher education (as defined under section 102 of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1002));

10 (2) is under 24 years of age;

11 (3) is not a veteran;

12 (4) is unmarried;

13 (5) does not have a dependent child;

14 (6) is not a person with disabilities, as such
15 term is defined in section 3(b)(3)(E) of the United
16 States Housing Act of 1937 (42 U.S.C.
17 1437a(b)(3)(E)) and was not receiving assistance
18 under such section 8 as of November 30, 2005; and

19 (7) is not otherwise individually eligible, or has
20 parents who, individually or jointly, are not eligible,
21 to receive assistance under section 8 of the United
22 States Housing Act of 1937 (42 U.S.C. 1437f).

23 (b) For purposes of determining the eligibility of a
24 person to receive assistance under section 8 of the United
25 States Housing Act of 1937 (42 U.S.C. 1437f), any finan-

1 cial assistance (in excess of amounts received for tuition)
 2 that an individual receives under the Higher Education
 3 Act of 1965 (20 U.S.C. 1001 et seq.), from private
 4 sources, or an institution of higher education (as defined
 5 under the Higher Education Act of 1965 (20 U.S.C.
 6 1002)), shall be considered income to that individual, ex-
 7 cept for a person over the age of 23 with dependent chil-
 8 dren.

9 (c) Not later than 30 days after the date of enact-
 10 ment of this Act, the Secretary of Housing and Urban
 11 Development shall issue final regulations to carry out the
 12 provisions of this section.

13 SEC. 220. Notwithstanding the limitation in the first
 14 sentence of section 255(g) of the National Housing Act
 15 (12 U.S.C. 1715z–20(g)), the Secretary of Housing and
 16 Urban Development may, until September 30, 2008, in-
 17 sure and enter into commitments to insure mortgages
 18 under section 255 of the National Housing Act (12 U.S.C.
 19 1715z–20).

20 SEC. 221. The National Housing Act is amended—

21 (1) in sections 207(c)(3), 213(b)(2)(B)(i),
 22 221(d)(3)(ii)(II), 221(d)(4)(ii)(II), 231(c)(2)(B),
 23 and 234(e)(3)(B) (12 U.S.C. 1713(c)(3),
 24 1715e(b)(2)(B)(i), 1715l(d)(3)(ii)(II),

1 1715l(d)(4)(ii)(II), 1715v(c)(2)(B), and
2 1715y(e)(3)(B))—

3 (A) by striking “140 percent” each place
4 such term appears and inserting “170 percent”;
5 and

6 (B) by striking “170 percent in high cost
7 areas” each place such term appears and in-
8 serting “215 percent in high cost areas”; and

9 (2) in section 220(d)(3)(B)(iii)(III) (12 U.S.C.
10 1715k(d)(3)(B)(iii)(III)) by striking “206A” and all
11 that follows through “project-by-project basis” and
12 inserting the following: “206A of this Act) by not to
13 exceed 170 percent in any geographical area where
14 the Secretary finds that cost levels so require and by
15 not to exceed 170 percent, or 215 percent in high
16 cost areas, where the Secretary determines it nec-
17 essary on a project-by-project basis”.

18 SEC. 222. (a) During fiscal year 2008, in the provi-
19 sion of rental assistance under section 8(o) of the United
20 States Housing Act of 1937 (42 U.S.C. 1437f(o)) in con-
21 nection with a program to demonstrate the economy and
22 effectiveness of providing such assistance for use in as-
23 sisted living facilities that is carried out in the counties
24 of the State of Michigan notwithstanding paragraphs (3)
25 and (18)(B)(iii) of such section 8(o), a family residing in

1 an assisted living facility in any such county, on behalf
2 of which a public housing agency provides assistance pur-
3 suant to section 8(o)(18) of such Act, may be required,
4 at the time the family initially receives such assistance,
5 to pay rent in an amount exceeding 40 percent of the
6 monthly adjusted income of the family by such a percent-
7 age or amount as the Secretary of Housing and Urban
8 Development determines to be appropriate.

9 SEC. 223. Notwithstanding any other provision of
10 law, the recipient of a grant under section 202b of the
11 Housing Act of 1959 (12 U.S.C. 1701q-2) after Decem-
12 ber 26, 2000, in accordance with the unnumbered para-
13 graph at the end of section 202(b) of such Act, may, at
14 its option, establish a single-asset nonprofit entity to own
15 the project and may lend the grant funds to such entity,
16 which may be a private nonprofit organization described
17 in section 831 of the American Homeownership and Eco-
18 nomic Opportunity Act of 2000.

19 SEC. 224. The Secretary of Housing and Urban De-
20 velopment shall give priority consideration to applications
21 from the housing authorities of the Counties of San
22 Bernardino and Santa Clara and the City of San Jose,
23 California to participate in the Moving to Work Dem-
24 onstration Agreement under section 204, title V, of the
25 Omnibus Consolidated Rescissions and Appropriations Act

1 of 1996 (Public Law 104–134, April 26, 1996): *Provided*,
 2 That upon turnover, existing requirements on the
 3 reissuance of section 8 vouchers shall be maintained to
 4 ensure that not less than 75 percent of all vouchers shall
 5 be made available to extremely low-income families.

6 This title may be cited as the “Department of Hous-
 7 ing and Urban Development Appropriations Act, 2008”.

8 TITLE III

9 RELATED AGENCIES

10 ARCHITECTURAL AND TRANSPORTATION BARRIERS

11 COMPLIANCE BOARD

12 SALARIES AND EXPENSES

13 For expenses necessary for the Architectural and
 14 Transportation Barriers Compliance Board, as authorized
 15 by section 502 of the Rehabilitation Act of 1973, as
 16 amended, \$6,150,000: *Provided*, That, notwithstanding
 17 any other provision of law, there may be credited to this
 18 appropriation funds received for publications and training
 19 expenses.

20 FEDERAL MARITIME COMMISSION

21 SALARIES AND EXPENSES

22 For necessary expenses of the Federal Maritime
 23 Commission as authorized by section 201(d) of the Mer-
 24 chant Marine Act, 1936 (46 U.S.C. App. 1111), including
 25 services as authorized by 5 U.S.C. 3109; hire of passenger

1 motor vehicles as authorized by 31 U.S.C. 1343(b); and
2 uniforms or allowances therefore, as authorized by 5
3 U.S.C. 5901–5902, \$22,072,000: *Provided*, That not to
4 exceed \$2,000 shall be available for official reception and
5 representation expenses.

6 NATIONAL TRANSPORTATION SAFETY BOARD

7 SALARIES AND EXPENSES

8 For necessary expenses of the National Transpor-
9 tation Safety Board, including hire of passenger motor ve-
10 hicles and aircraft; services as authorized by 5 U.S.C.
11 3109, but at rates for individuals not to exceed the per
12 diem rate equivalent to the rate for a GS–15; uniforms,
13 or allowances therefor, as authorized by law (5 U.S.C.
14 5901–5902) \$85,000,000, of which not to exceed \$2,000
15 may be used for official reception and representation ex-
16 penses. The amounts made available to the National
17 Transportation Safety Board in this Act include amounts
18 necessary to make lease payments due in fiscal year 2008
19 only, on an obligation incurred in fiscal year 2001 for a
20 capital lease.

21 NEIGHBORHOOD REINVESTMENT CORPORATION

22 PAYMENT TO THE NEIGHBORHOOD REINVESTMENT
23 CORPORATION

24 For payment to the Neighborhood Reinvestment Cor-
25 poration for use in neighborhood reinvestment activities,

1 as authorized by the Neighborhood Reinvestment Corpora-
2 tion Act (42 U.S.C. 8101–8107), \$119,800,000, of which
3 \$5,000,000 shall be for a multi-family rental housing pro-
4 gram.

5 UNITED STATES INTERAGENCY COUNCIL ON

6 HOMELESSNESS

7 OPERATING EXPENSES

8 For necessary expenses (including payment of sala-
9 ries, authorized travel, hire of passenger motor vehicles,
10 the rental of conference rooms, and the employment of ex-
11 perts and consultants under section 3109 of title 5, United
12 States Code) of the United States Interagency Council on
13 Homelessness in carrying out the functions pursuant to
14 title II of the McKinney-Vento Homeless Assistance Act,
15 as amended, \$2,000,000.

16 Title II of the McKinney-Vento Homeless Assistance
17 Act, as amended, is amended in section 209 by striking
18 “2007” and inserting “2008”.

19 TITLE IV

20 GENERAL PROVISIONS—THIS ACT

21 (INCLUDING TRANSFERS OF FUNDS)

22 SEC. 401. Such sums as may be necessary for fiscal
23 year 2008 pay raises for programs funded in this Act shall
24 be absorbed within the levels appropriated in this Act or
25 previous appropriations Acts.

1 SEC. 402. None of the funds in this Act shall be used
2 for the planning or execution of any program to pay the
3 expenses of, or otherwise compensate, non-Federal parties
4 intervening in regulatory or adjudicatory proceedings
5 funded in this Act.

6 SEC. 403. None of the funds appropriated in this Act
7 shall remain available for obligation beyond the current
8 fiscal year, nor may any be transferred to other appropria-
9 tions, unless expressly so provided herein.

10 SEC. 404. The expenditure of any appropriation
11 under this Act for any consulting service through procure-
12 ment contract pursuant to section 3109 of title 5, United
13 States Code, shall be limited to those contracts where such
14 expenditures are a matter of public record and available
15 for public inspection, except where otherwise provided
16 under existing law, or under existing Executive order
17 issued pursuant to existing law.

18 SEC. 405. Except as otherwise provided in this Act,
19 none of the funds provided in this Act, provided by pre-
20 vious appropriations Acts to the agencies or entities fund-
21 ed in this Act that remain available for obligation or ex-
22 penditure in fiscal year 2008, or provided from any ac-
23 counts in the Treasury derived by the collection of fees
24 and available to the agencies funded by this Act, shall be
25 available for obligation or expenditure through a re-

1 programming of funds that: (1) creates a new program;
2 (2) eliminates a program, project, or activity; (3) increases
3 funds or personnel for any program, project, or activity
4 for which funds have been denied or restricted by the Con-
5 gress; (4) proposes to use funds directed for a specific ac-
6 tivity by either the House or Senate Committees on Ap-
7 propriations for a different purpose; (5) augments existing
8 programs, projects, or activities in excess of \$5,000,000
9 or 10 percent, whichever is less; (6) reduces existing pro-
10 grams, projects, or activities by \$5,000,000 or 10 percent,
11 whichever is less; or (7) creates, reorganizes, or restruc-
12 tures a branch, division, office, bureau, board, commis-
13 sion, agency, administration, or department different from
14 the budget justifications submitted to the House and Sen-
15 ate Committees on Appropriations or the table accom-
16 panying the statement of the managers accompanying this
17 Act, whichever is more detailed, unless prior approval is
18 received from the House and Senate Committees on Ap-
19 propriations: *Provided*, That not later than 60 days after
20 the date of enactment of this Act, each agency funded by
21 this Act shall submit a report to the House and Senate
22 Committees on Appropriations to establish the baseline for
23 application of reprogramming and transfer authorities for
24 the current fiscal year: *Provided further*, That the report
25 shall include: (1) a table for each appropriation with a

1 separate column to display the President's budget request,
2 adjustments made by Congress, adjustments due to en-
3 acted rescissions, if appropriate, and the fiscal year en-
4 acted level; (2) a delineation in the table for each appro-
5 priation both by object class and program, project, and
6 activity as detailed in the budget appendix for the respec-
7 tive appropriation; and (3) an identification of items of
8 special congressional interest: *Provided further*, That the
9 amount appropriated or limited for salaries and expenses
10 for an agency shall be reduced by \$100,000 per day for
11 each day after the required date that the report has not
12 been submitted to the Congress.

13 SEC. 406. Except as otherwise specifically provided
14 by law, not to exceed 50 percent of unobligated balances
15 remaining available at the end of fiscal year 2008 from
16 appropriations made available for salaries and expenses
17 for fiscal year 2008 in this Act, shall remain available
18 through September 30, 2009, for each such account for
19 the purposes authorized: *Provided*, That a request shall
20 be submitted to the Committees on Appropriations for ap-
21 proval prior to the expenditure of such funds: *Provided*
22 *further*, That these requests shall be made in compliance
23 with reprogramming guidelines.

24 SEC. 407. All Federal agencies and departments that
25 are funded under this Act shall issue a report to the House

1 and Senate Committees on Appropriations on all sole
2 source contracts by no later than July 31, 2008. Such re-
3 port shall include the contractor, the amount of the con-
4 tract and the rationale for using a sole source contract.

5 SEC. 408. (a) None of the funds made available in
6 this Act may be obligated or expended for any employee
7 training that—

8 (1) does not meet identified needs for knowl-
9 edge, skills, and abilities bearing directly upon the
10 performance of official duties;

11 (2) contains elements likely to induce high lev-
12 els of emotional response or psychological stress in
13 some participants;

14 (3) does not require prior employee notification
15 of the content and methods to be used in the train-
16 ing and written end of course evaluation;

17 (4) contains any methods or content associated
18 with religious or quasi-religious belief systems or
19 “new age” belief systems as defined in Equal Em-
20 ployment Opportunity Commission Notice N-
21 915.022, dated September 2, 1988; or

22 (5) is offensive to, or designed to change, par-
23 ticipants’ personal values or lifestyle outside the
24 workplace.

1 (b) Nothing in this section shall prohibit, restrict, or
2 otherwise preclude an agency from conducting training
3 bearing directly upon the performance of official duties.

4 SEC. 409. None of the funds made available in this
5 Act may be used to enter into a contract with an entity
6 that does not participate in the basic pilot program de-
7 scribed in section 403(a) of the Illegal Immigration Re-
8 form and Immigrant Responsibility Act of 1996 (8 U.S.C.
9 1324a note).

10 SEC. 410. None of the funds made available under
11 this Act may be used to establish or implement a cross-
12 border motor carrier demonstration or pilot project or pro-
13 gram to allow Mexico-domiciled motor carriers to operate
14 beyond the commercial zones on the United States-Mexico
15 border.

16 SEC. 411. None of the funds made available in this
17 Act may be used to take any action to issue a final rule
18 or notice based on, or otherwise implement, all or any part
19 of the proposed rule of the Department of Housing and
20 Urban Development published on Friday, May 11, 2007,
21 on page 27048 of volume 72 of the Federal Register
22 (Docket No. FR-5087-P-01), relating to standards for
23 mortgagor's investment in mortgaged property.

24 SEC. 412. None of the funds made available in this
25 Act may be used by the Federal Aviation Administration

1 (FAA) to eliminate, consolidate, de-consolidate, co-locate,
2 execute inter-facility reorganization, or plan for the con-
3 solidation/deconsolidation, inter-facility reorganization, or
4 co-location of any FAA air traffic control facility or serv-
5 ice, with the exception of the reversal of the transfer of
6 the radar functions from the Palm Springs Terminal
7 Radar Approach Control (TRACON) to the Southern
8 California TRACON.

9 SEC. 413. None of the funds made available in this
10 Act may be used to purchase light bulbs unless the light
11 bulbs have the “ENERGY STAR” or “Federal Energy
12 Management Program” designation.

13 SEC. 414. None of the funds made available under
14 this Act may be used to establish or collect tolls on Inter-
15 state 80 in the Commonwealth of Pennsylvania.

16 SEC. 415. None of the funds made available in this
17 Act may be used by the Department of Transportation
18 to promulgate regulations based on race, ethnicity, or sex.

19 SEC. 416. None of the funds made available in this
20 Act may be used to provide homeownership assistance for
21 applicants described in 274A(h)(3) of the Immigration
22 and Nationality Act (8 U.S.C. 1324a(h)(3)).

23 SEC. 417. None of the funds in this Act may be used
24 to employ workers described in section 274A(h)(3) of the
25 Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

1 SEC. 418. The amount otherwise provided in this Act
2 for “Grants-in-Aid for Airports” administered by the Fed-
3 eral Aviation Administration of the Department of Trans-
4 portation is hereby reduced by \$10,000,000 and increased
5 by \$10,000,000.

6 SEC. 419. None of the funds made available in this
7 Act may be used in violation of section 8 of the National
8 Labor Relations Act of 1935, with respect to workers on
9 federally-funded transportation projects.

10 SEC. 420. None of the funds made available under
11 this Act may be used to participate in a working group
12 pursuant to the Security and Prosperity Partnership.

13 This Act may be cited as the “Transportation, Hous-
14 ing and Urban Development, and Related Agencies Appro-
15 priations Act, 2008”.

Passed the House of Representatives July 24, 2007.

Attest:

Clerk.

110TH CONGRESS
1ST SESSION

H. R. 3074

AN ACT

Making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes.